



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Tenth Meeting Day

Thursday Afternoon

January 26, 2006

The Senate convened at 1:36 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele <input checked="" type="checkbox"/>
Hume	Tallian
Jackman <input checked="" type="checkbox"/>	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 50: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1013 — Miller, Craycraft (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning

motor vehicles.

HB 1021 — Weatherwax, Lewis (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1023 — Heinold, Miller, Tallian (Health and Provider Services)

A BILL FOR AN ACT concerning human services.

HB 1040 — Kenley, Landske, Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

HB 1103 — Steele, Broden (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1106 — Becker, Breaux, Dillon (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1111 — Kenley (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1114 — Steele (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1134 — Landske, Kenley, Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1150 — Kruse, Skinner (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 277, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 8, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 274, has

had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 206, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 108, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 275, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 160, has had the same under consideration and begs leave to report the

same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 5, Nays 1.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 299, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 85, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 58, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 57, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 71, has had the same under consideration and begs leave to report the same back to

the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 86, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"(b) A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

(1) The prospective juror has not previously been granted a deferral.

(2) The prospective juror requests a deferral by contacting the jury commissioner:

(A) by telephone;

(B) by electronic mail;

(C) in writing; or

(D) in person.

(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:

(A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and

(B) a date when the court will be in session.

(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

(A) hardship;

(B) extreme inconvenience; or

(C) necessity."

Page 3, line 2, reset in roman "(c)".

Page 3, line 2, delete "(b)".

Page 3, line 7, reset in roman "(d)".

Page 3, line 7, delete "(c)".

Page 3, line 10, reset in roman "(e)".

Page 3, line 10, delete "(d)".

Page 3, line 12, reset in roman "(f)".

Page 3, line 12, delete "(e)".

Page 3, line 14, reset in roman "(g)".

Page 3, line 14, delete "(f)".

Page 3, line 16, delete "(g),".

Page 3, line 16, reset in roman "(i),".

Page 3, line 16, reset in roman "(l),".

Page 3, line 16, delete "(k),".

Page 3, line 23, reset in roman "(h)".

Page 3, line 23, delete "(g)".

Page 4, line 1, reset in roman "(i)".

Page 4, line 1, delete "(h)".

Page 4, line 3, reset in roman "(i)".

Page 4, line 3, delete "(h)".

Page 4, line 5, reset in roman "(j)".

Page 4, line 5, delete "(i)".

Page 4, line 8, reset in roman "(k)".

Page 4, line 8, delete "(j)".

Page 4, line 9, reset in roman "(h)".

Page 4, line 9, delete "(g)".

Page 4, line 11, reset in roman "(l)".

Page 4, line 11, delete "(k)".

Page 4, line 29, after "annual" delete ",".

Page 4, line 29, after "vacation" delete ",".

Page 4, line 33, after "annual" delete ",".

Page 4, line 34, after "vacation" delete ",".

Page 4, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 4. IC 33-28-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) The supervising judge or the jury commissioner shall determine solely on the basis of information provided on a juror qualification form or interview with a prospective juror whether the prospective juror is disqualified for jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form or electronic data processing facsimile and on the alphabetical list of names drawn from the master list.

(b) A person may not be automatically excused under this chapter. Upon request of a prospective juror, the supervising judge or jury commissioner shall determine on the basis of information provided on:

(1) the juror qualification form;

(2) correspondence from the prospective juror; or

(3) an interview with the prospective juror;

whether the prospective juror may be excused from jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form.

(c) A person who is not disqualified for jury service may be excused from jury service only upon a showing of:

~~(1) undue hardship;~~

~~(2) extreme inconvenience; or~~

~~(3) public necessity;~~

until the time of the next drawing when the person is resummoned. Appropriate records must be maintained by the jury commissioner to facilitate resummoning: in accordance with IC 33-28-4-8.

(d) Requests for excuse, other than those accompanying the return of the qualification form, must be made by the prospective juror in writing to the jury commissioner not later than three (3) days before the date when the prospective juror has been summoned to appear."

Page 5, line 5, after "annual" delete ",".

Page 5, line 5, after "vacation" delete ",".

Page 5, line 9, after "annual" delete ",".

Page 5, line 10, after "vacation" delete ",".

Page 6, line 32, strike "only upon a showing".

Page 6, line 33, strike "of undue hardship, extreme inconvenience, or public necessity."

Page 6, line 35, before "The" insert **"in accordance with IC 33-28-4-8."**

Page 7, line 13, after "annual" delete ",".

Page 7, line 13, after "vacation" delete ",".

Page 7, line 17, after "annual" delete ",".

Page 7, line 18, after "vacation" delete ",".

Renumber all SECTIONS consecutively.

(Reference is to SB 232 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 33, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 12, begin a new paragraph, and insert:

"SECTION 1. IC 29-3-1-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15.5. "Volunteer advocate for incapacitated adults means an individual who:**

(1) is a volunteer;

(2) has completed a limited guardian training program approved by a court;

(3) is supervised by a community volunteer advocates for adults program;

(4) is appointed by a court to serve as a limited guardian for an incapacitated person or protected person who is at least eighteen (18) years of age; and

(5) provides reports and makes recommendations to a court."

Page 1, line 16, reset in roman "seniors".

Page 1, line 16, after "seniors" delete "." and insert **"or a volunteer advocate for"**.

Page 2, line 2, reset in roman "seniors".

Page 2, line 2, after "seniors" insert **"or a volunteer advocate for"**.

Page 2, line 12, reset in roman "seniors".

Page 2, line 12, after "seniors" insert **"or a volunteer advocate for"**.

Page 2, line 14, after "person" insert ";".

Page 2, line 14, strike "who is at least".

Page 2, line 15, delete "eighteen (18)".

Page 2, line 15, strike "years of age;".

Page 2, line 29, reset in roman "seniors".

Page 2, line 29, after "seniors" insert **"or a volunteer advocate for"**.

Page 3, line 3, reset in roman "seniors".

Page 3, line 3, after "seniors" delete "," and insert **"or a volunteer advocate for"**.

Page 3, line 11, reset in roman "seniors".

Page 3, line 11, after "seniors" insert **"or a volunteer advocate for"**.

Page 3, line 16, reset in roman "seniors".

Page 3, line 16, after "seniors" delete "." and insert **"or a volunteer advocate for"**.

Page 3, line 21, reset in roman "seniors".

Page 3, line 21, after "seniors" insert **"program or a volunteer advocate for"**.

Page 3, line 23, reset in roman "seniors".

Page 3, line 23, after "seniors" insert **"program or a volunteer advocate for"**.

Page 3, line 25, reset in roman "seniors".

Page 3, line 25, after "seniors" insert **"program or a volunteer advocate for"**.

Page 3, line 31, reset in roman "seniors".

Page 3, line 31, after "seniors" insert **"or a volunteer advocate for"**.

Page 4, line 5, after "guardian)" insert ",".

Page 4, line 5, strike "or" and insert **"a"**.

Page 4, line 5, reset in roman "seniors".

Page 4, line 5, after "seniors" insert **", or a volunteer advocate for"**.

Page 4, line 16, reset in roman "seniors")."

Page 3, line 25, after "seniors" delete ")." and insert **"or a volunteer advocate for"**.

(Reference is to SB 33 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 25.

Page 17, delete lines 22 through 42.

Page 18, delete lines 1 through 31.

Page 22, delete lines 33 through 42.

Delete pages 23 through 24.

Page 25, delete lines 1 through 19.

Page 31, line 7, after "Sec. 8." insert **"(a)"**.

Page 31, between lines 21 and 22, begin a new paragraph and insert:

"(b) The board, by an affirmative vote of at least two-thirds (2/3) of the voting members, may determine that the units described in subsection (a) shall jointly perform, by entering into interlocal cooperation agreements under IC 36-1-7, additional functions not listed in subsection (a)."

Page 34, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 50. IC 36-3-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 10. Community Resource Center Transition Board

Sec. 1. This chapter applies only to a county containing a consolidated city.

Sec. 2. As used in this chapter, "board" refers to the community resource center transition board established by section 3 of this chapter.

Sec. 3. The community resource center transition board is established.

Sec. 4. (a) The board consists of the following members:

(1) The deputy mayor for public and neighborhood affairs of the consolidated city, who shall serve as the board chairperson.

(2) The township trustee of each of the nine (9) townships in the county.

(3) One (1) member appointed by the president of the city-county council.

(4) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(5) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(6) One (1) member appointed by the secretary of the Indiana family and social services administration.

(b) If a member ceases to be employed in the position or hold the office required for appointment to the board, the member ceases to be a member of the board, and the original appointing authority shall appoint an individual to serve on the board for the remainder of the board's term.

Sec. 5. (a) A majority of the members appointed to and serving on the board constitutes a quorum for a meeting of the board.

(b) The affirmative vote of a majority of the members appointed to and serving on the board is necessary for the board to take official action.

(c) The board shall meet on the call of the chairperson.

Sec. 6. Each member of the board who is not an employee of the state or the consolidated city is entitled to a salary per diem equal to the per diem received by a city-county councilor for attendance at council committee meetings.

Sec. 7. The board shall do the following:

(1) Conduct field studies and audits to determine how best to serve constituents throughout the county after the consolidation, joint performance, or transfer of city, county, and township functions, taking into account the efficiencies that may be achieved.

(2) Identify city and township services that may be provided jointly, and make recommendations concerning the joint

location of those services with other federal, state, or local government agencies.

(3) Make recommendations concerning the number and location of community resource centers in the county.

(4) Identify which of the services provided by the township trustees may be located in the community resource centers.

(5) Develop a community education plan to familiarize citizens with the provision of services by various methods throughout the county.

Sec. 8. (a) This chapter expires December 31, 2008.

(b) The city-county council may by resolution extend the term of the board."

Page 36, delete lines 10 through 42.

Delete pages 37 through 47.

Page 48, delete lines 1 through 6.

Page 49, line 2, after ";" insert **"and"**.

Page 49, delete line 3.

Page 49, line 4, delete "(5)" and insert **"(4)"**.

Page 49, delete line 33.

Page 49, run in lines 32 through 34.

Page 49, line 35, delete "(E)" and insert **"(D)"**.

Page 50, delete line 2.

Page 50, run in lines 1 through 3.

Page 50, line 4, delete "(E)" and insert **"(D)"**.

Page 50, delete lines 7 through 36.

Page 51, delete lines 7 through 25.

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 89, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 9, after "number of" insert **"different"**.

Page 2, line 10, delete "each gathering" and insert **"any of the series of gatherings"**.

Page 2, line 26, delete "or".

Page 2, line 29, delete "." and insert **"; or**

(6) a gathering to receive information about an industrial or a commercial prospect. The gathering may not include a discussion of the terms of a request or an offer of public financial resources."

Page 5, line 24, delete "board".

Page 5, line 25, delete "of trustees" and insert **"governing body"**.

Page 5, line 26, delete "board" and insert **"governing body"**.

Page 5, line 28, delete "board" and insert **"governing body"**.

Page 6, line 5, after "state board" insert **"or a committee of the state board"**.

Page 6, line 5, after "the board" insert **"or the committee"**.

Page 6, line 7, after "board" insert **"or a committee of the state board"**.

Page 6, line 8, after "board" insert "**or a committee of the state board**".

Page 6, line 26, after "trustees" insert "**or a committee of the board of trustees**".

Page 6, line 27, after "board" insert "**or the committee**".

Page 6, line 29, after "board" insert "**or a committee of the board**".

Page 6, line 30, after "board" insert "**or the committee**".

(Reference is to SB 89 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, after "cash" insert "**or cash and another form of security**".

Page 2, line 1 delete "in an".

Page 2, line 2, delete "amount equal to the" and insert "**as**".

Page 2, line 2, delete "under clause (B)".

Page 2, line 2, delete "shall" and insert "**may**".

(Reference is to SB 192 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed Senate Bill 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 41, delete "606,".

Page 2, line 41, after "607" delete ",".

Page 3, line 6, delete "the earlier of:".

Page 3, line 7, delete "(1)".

Page 3, run in lines 6 through 7.

Page 3, line 7, delete "three (3) years" and insert "**eighteen (18) months**".

Page 3, line 7, delete "such" and insert "**the**".

Page 3, line 8, delete "; or" and insert ".".

Page 3, delete lines 9 through 10.

(Reference is to SB 35 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 359, has had the same under consideration and begs leave to report the same

back to the Senate with the recommendation that said bill be amended as follows:

Page 5, delete lines 14 through 29.

Renumber all SECTIONS consecutively.

(Reference is to SB 359 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 194, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"(c) A school corporation may dismiss students for either:

(1) three (3) full school days; or

(2) six (6) partial school days;

but not both, during a school year to conduct professional development activities or parent-teacher conferences.

(d) Not more than:

(1) one-half (1/2) school day of the three (3) full school days under subsection (c)(1); or

(2) two (2) of the six (6) partial days under subsection (c)(2);

may be used for parent-teacher conferences.

(e) All full days or partial days during which students are dismissed under subsection (c) shall be counted as student instructional days under IC 20-30-2-3."

Page 2, delete lines 1 through 4.

(Reference is to SB 194 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 1.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 10, after "conduct" insert "**an**".

Page 1, line 10, delete "counts" and insert "**count**".

Page 1, line 10, after "on" insert "**May 1, 2007, May 1, 2008, and May 1, 2009.**".

Page 1, delete lines 11 through 12.

(Reference is to SB 173 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career

Development, to which was referred Senate Bill 236, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 6, after "training" insert **"during which an instructor is present"**.

(Reference is to SB 236 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "in".

Page 1, line 7, delete "6, 7," and insert "7".

Page 1, line 9, delete "6;" and insert "7;".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The state board shall analyze annually state, local, and other:**

- (1) statutes;
- (2) rules;
- (3) policies; and
- (4) related requirements;

that affect school corporations and public schools to identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement innovative approaches to improving student achievement.

(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:

- (1) The office of management and budget.
- (2) A government efficiency commission that addresses schools.
- (3) Consultants.

(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:

- (1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:

- (A) at any time;
- (B) following public comment; and
- (C) by emergency rule.

- (2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must be made:

- (A) annually not later than September 1; and
- (B) to the executive director of the legislative services

agency in an electronic format under IC 5-14-6.

(3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:

- (A) may be made at any time; and**
- (B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."**

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 6. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Deregulated School Corporations

Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:

- (1) allocate resources toward; and**
 - (2) focus efforts on;**
- student instruction and learning.**

Sec. 2. (a) To designate a school corporation as a deregulated school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:

- (1) be in writing;**
- (2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and**
- (3) inform the state board that the school corporation will become a deregulated school corporation on the July 1 next following the date of the notice.**

(b) A notice under this section is effective upon receipt by the state board.

Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.

Sec. 4. The following apply to a deregulated school corporation:

- (1) Except as specifically provided in this chapter, the following do not apply to a deregulated school corporation:**

- (A) An Indiana statute applicable to a governing body or school corporation.**
- (B) A rule or guideline adopted by the state board.**
- (C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.**
- (D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.**

(2) The school corporation and schools within the school corporation must continue to comply with the following:

- (A) Applicable federal laws.
- (B) The Constitution of the State of Indiana.
- (C) Federal and state laws that prohibit discrimination.
- (D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.
- (E) The following statutes:
 - (i) IC 5-10.3 (public employees' retirement fund).
 - (ii) IC 5-11-1-9 (required audits by the state board of accounts).
 - (iii) IC 20-26-5-6 (subject to regulation by state agencies).
 - (iv) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
 - (v) IC 20-26-6-2 (unified accounting system).
 - (vi) IC 20-28-4 (transition to teaching).
 - (vii) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).
 - (viii) IC 20-29 (collective bargaining).
 - (ix) IC 20-30-2 (calendar).
 - (x) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances).
 - (xi) IC 20-30-5-0.5 (concerning the pledge of allegiance).
 - (xii) IC 20-30-10 (college preparation curriculum).
 - (xiii) IC 20-30-11 (postsecondary enrollment program).
 - (xiv) IC 20-31 (accountability for school performance and improvement).
 - (xv) IC 20-32 (student standards, assessment, and performance).
 - (xvi) IC 20-33-2 (compulsory school attendance).
 - (xvii) IC 20-33-3 (limitations on employment of children).
 - (xviii) IC 20-33-7 (parental access to education records).
 - (xix) IC 20-33-8 (student discipline).
 - (xx) IC 20-33-9 (reporting of student violations of law).
 - (xxi) IC 20-34-3 (health and safety measures).
 - (xxii) IC 20-34-4 (immunizations).
 - (xxiii) IC 20-35 (special education).
 - (xxiv) IC 21 (school finance).
 - (xxv) IC 21-6.1 (teacher retirement).

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

- (1) Financial information.
- (2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.
- (3) A description of the educational methods and teaching methods employed.

(4) Daily attendance records.

(5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.

(6) Student enrollment data, including the following:

- (A) The number of students enrolled in the school corporation and each school in the school corporation.
- (B) The number of students suspended or expelled from schools in the school corporation, including the reasons for the suspensions or expulsions.
- (C) The number of students who ceased to attend schools in the school corporation, including the reasons for the cessation.

(7) Any information necessary to comply with federal or state reporting requirements.

(8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. (a) Before becoming a deregulated school corporation under section 3 of this chapter, a governing body may waive any statutes, rules, or policies that the governing body may waive under section 4 of this chapter.

(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.

(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.

Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

- (1) The school corporation fails to comply with applicable laws or conditions established under this chapter.
- (2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.
- (3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 8. Not later than December 31 of each year, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, line 40, delete "gasoline." and insert "fuel."

Page 8, delete lines 15 through 42.

Delete page 9.

Page 10, delete lines 1 through 40.

Page 11, line 9, delete "fifty".

Page 11, line 9, delete "(\$150,000)" and insert "(\$100,000)".

Page 13, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 16. IC 36-1-12-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 22. (a) A school corporation may purchase the following materials for a public work project as provided in IC 5-22:**

- (1) Roofing materials.
- (2) Commercial floor coverings.
- (3) Athletic resurfacing materials.
- (4) Playground equipment.

(b) Labor used in any part of a public work project for which materials are purchased under subsection (a) from a contractor selected by a competitive sealed bidding process through a cooperative purchasing program may be included in the purchase if:

- (1) the labor is performed by an Indiana based contractor or subcontractor;
- (2) the labor is subject to IC 5-16-7, except that the wage scale must be established two (2) weeks before the issuance of a contract for the actual performance of the work; and
- (3) the employees of each Indiana based contractor or subcontractor providing labor have completed or are enrolled in an apprenticeship program certified by the United States Department of Labor Bureau of Apprenticeship and Training.

(c) Notwithstanding the manner in which materials and labor are purchased under this section, the cost of a public work project under this section shall be determined in accordance with IC 36-1-12-19.

(d) A purchase of materials and labor for a public work project under this section is exempt from publishing notice under IC 5-3-1."

Page 13, line 26, delete "or license".

Page 13, line 27, delete "certificate or".

Page 13, line 27, delete "by a professional" and insert "**under IC 25-23;**".

Page 13, delete line 28.

Page 13, line 29, delete "serves" and insert "**services**".

Renumber all SECTIONS consecutively.

(Reference is to SB 324 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LUBBERS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 9

House Concurrent Resolution 9, sponsored by Senator Bray:

A CONCURRENT RESOLUTION congratulating the members of the Martinsville High School girls softball team on the occasion of their victory in the 2005 Indiana High School Athletic Association Class 4A State Softball Championship.

Whereas, The Martinsville High School girls softball team defeated Lafayette McCutcheon 3-2 to win the 2005 Indiana High School Athletic Association (IHSAA) Class 4A State Softball Championship on June 11, 2005, at Ben Davis High School in Indianapolis, giving sixth-year coach Ken Rhoden and the Artesians

their first softball state championship;

Whereas, This year's win was even sweeter coming after last year's 2-0 semifinal loss to 4A runner-up Center Grove;

Whereas, Junior catcher Jessica Breeden rocketed a two-out double in the bottom of the ninth inning to drive in senior second baseman Allison Lewis to give Martinsville High School the victory;

Whereas, Allison Lewis started the ninth-inning, two-out rally by doubling to right center, setting the stage for the dramatic finish;

Whereas, Sophomore Abby Calloway, who hit a two-RBI single in the bottom of the third, gave 28-1-1 Martinsville a strong performance on the mound, improving her record to 9-1 for the season and allowing only one earned run and five hits in the nine-inning game;

Whereas, The Artesians advanced to the Class 4A final game with victories over Terre Haute North, Mooresville, and Terre Haute South in the Terre Haute North Sectional; East Central and Castle in the Jeffersonville Regional; and Brownsburg in the Semi-Finals;

Whereas, The Championship victory capped off an amazing season for the Artesians;

Whereas, The team entered the 2004-2005 season with high expectations;

Whereas, Winning its last 21 games by an average of 4.5 - 0.8 and pitching 14 shutout games, the team met or exceeded all pre-season expectations;

Whereas, Coach Ken Rhoden attributes the outstanding season to hard work, dedication, and contributions made by everyone; and

Whereas, The Martinsville High School girls softball team stands as an example of what can come of hard work and discipline: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the members and coaches of the Martinsville High School girls softball team on their victory in the 2005 IHSAA Class 4A State Softball Championship and wishes them success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to team members Emily Sullivan, Jordan Baldrige, Lynn Zloty, Sarah Walls, Allison Baldrige, Abby Calloway, Jodi Porter, Jessica Breeden, Ryanne Gluff, Jessica Stoner, Leah Hoffman, Allison Lewis, Elizabeth Gwaltney, Logan Lucas, Mikala Trimble, Alaina Zloty, Brittany Pruitt, Megan Michel, Melissa Daniels, and Chelsea Scott; head coach Ken Rhoden; assistant coaches Rob Rhoden, John Roddy, Sarah Agler, Nicki Ewing, Katie Baughn, and Sarah Currier; athletic

director Don Lipps; principal Don Alkire; and superintendent Ron Furniss.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 11

House Concurrent Resolution 11, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Martinsville High School volleyball team for its victory in the Indiana High School Athletic Association Class 4A state volleyball championship.

Whereas, On Saturday, November 5, at Hinkle Fieldhouse on the campus of Butler University, the Martinsville High School volleyball team defeated Cathedral High School to become the 2005 Indiana High School Athletic Association (IHSAA) Class 4A state volleyball champions;

Whereas, This victory marked the 37-2 Artesians' first volleyball state title since 1996, although they appeared in the state championship game in 1990, 1991, 1994, and 1995;

Whereas, Martinsville trailed 11-10 in game one until senior middle blocker Jessica Breeden accounted for four straight points; Cathedral never came closer than two points the rest of the game;

Whereas, Cathedral won game two, 25-10;

Whereas, Game three was tight the entire way before the Artesians closed it out with three straight points, including kills by Danielle Goodnight and Mikindra Morin;

Whereas, Danielle Goodnight finished game three with a double-double of 17 kills and 15 digs, and Mikindra Morin had a match-high 48 assists and a team-high 16 digs;

Whereas, The fourth game was tied at 18 when Martinsville took a 24-20 lead, and sealed the state title on a kill by Jessica Breeden, who helped the Artesians to a softball state championship last spring;

Whereas, On the road to victory, the Artesians defeated number one ranked defending champion Muncie Central (34-4) in the semifinals;

Whereas, The Artesians' Mikindra Morin was chosen as the Mental Attitude Award winner, whose recipients are players who excel in mental attitude, scholarship, leadership, and athletic ability in volleyball;

Whereas, Mikindra Morin ranks 15th in her class of 345 with a 3.988 cumulative grade point average, is a National Honor Society student, and is a volunteer for the Humane Society and the youth volleyball league; and

Whereas, Excellence in athletics is achieved through dedication and determination; the Martinsville High School volleyball team has displayed outstanding ability and desire in achieving this level of excellence: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School volleyball team on its recent victory in the Class 4A IHSAA volleyball state championship and wishes the team continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Kelsie Deaton, Mikindra Morin, Leann Cook, Jessica Long, Lyndy Errett, Carly Cramer, Shea Doran, Brittany Hamilton, Danielle Goodnight, Jessica Breeden, Sara Cramer, Elann Poe, Coach Sandy Garrard, Assistant Sherri Smiley, Assistant Michelle Chandler, Assistant Natalie Rhoden, Assistant Heather DeVaughn, Assistant Jon Presley, Principal Don D. Alkire, Athletic Director Don Lipps, and Superintendent Dr. Ron Furniss.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 12

House Concurrent Resolution 12, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Martinsville High School Academic Spell Bowl Team.

Whereas, The Martinsville High School Academic Spell Bowl Team became the 2005 Class One Spell Bowl State Champion with a perfect score of 90 points;

Whereas, The 2005 victory marks the 12th consecutive year that Martinsville spellers have won or been runner-up in the Class One division, which features between 60 and 70 state schools;

Whereas, This year's victory was Martinsville High School's sixth spell bowl state championship and the 17th state championship by an academic team competing in an event sponsored by the Indiana Association of School Principals, tying Bloomington High School South for the most Class One state championships since the beginning of competition in 1985;

Whereas, Coach Wayne Babbitt credits the team's success to its dedication and outstanding work ethic;

Whereas, This team began practice the first week of school in August and have continued every school day since that date;

Whereas, Excellence in academics deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School Spell Bowl Team on its victory and wishes the team continued success in future competitions.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Courtney Abshire, Robert Astleford, Josh Blanford, Eric Campbell, Mileah Davis, Evan Kirsch, Clayton Knox, Andy Lane, Sarah Mosier, Amanda Schoolcraft, Megan Ward, Morgan Ward, and Phoebe Wood, and to Principal Don Alkire and Superintendent Ron D. Furniss.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 106, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JULY 1, 2006]".

Page 2, line 5, strike "and".

Page 2, line 7, delete "Indiana." and insert "Indiana; and".

Page 2, delete lines 8 through 42, begin a new line block indented and insert:

"(5) in the case of a transaction involving a cargo trailer or recreational vehicle, the cargo trailer or recreational vehicle will be titled or registered in a state or country that provides an exemption from sales, use, or similar taxes imposed on a cargo trailer or recreational vehicle that is purchased in that state or country by an Indiana resident and will be titled or registered in Indiana.

A transaction involving a cargo trailer or recreational vehicle that does not meet the requirements of subdivision (5) is not exempt from the state gross retail tax. The amount of the exemption for a cargo trailer or recreational vehicle is determined in subsection (d):

(d) The amount of the exemption for a cargo trailer or a recreational vehicle under this section is equal to the amount of:

(1) the state gross retail tax that would be imposed on the transaction if the cargo trailer or recreational vehicle were registered in Indiana; minus

(2) the sales, use, or similar tax that would have been imposed on the transaction under the laws of the state or country in which the purchaser affirms the cargo trailer or recreational vehicle will be registered.

The amount of the exemption under this section may not exceed the amount of the state gross retail tax that would be imposed on the transaction if the cargo trailer or recreational vehicle were registered

in Indiana. A retail merchant that accepts an exemption claim for a cargo trailer or recreational vehicle under this section shall, within sixty (60) days after the date of the transaction, have on file a copy of the purchaser's title or registration of the cargo trailer or recreational vehicle outside Indiana or pay to the state the amount of the exemption.

(c) Any state gross retail tax due after the application of the exemption provided by this section must be paid to the retail merchant.

(f) (d) A purchaser must claim an exemption under this section by submitting to the retail merchant an affidavit stating the purchaser's intent to:

(1) transport the cargo trailer, recreational vehicle, or aircraft to a destination outside Indiana within thirty (30) days after delivery; and

(2) title or register the cargo trailer, recreational vehicle, or aircraft for use in another state or country.

The department shall prescribe the form of the affidavit, **which must include an affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.** The affidavit must identify the state or country in which the cargo trailer, recreational vehicle, or aircraft will be titled or registered. ~~Within sixty (60) days after the date of the transaction, the purchaser shall provide to the retail merchant a copy of the purchaser's title or registration of the cargo trailer, recreational vehicle, or aircraft outside Indiana.~~

(g) (e) The department shall provide the information necessary to ~~calculate the amount of~~ **determine a purchaser's eligibility for an** exemption claimed under this section to retail merchants in the business of selling cargo trailers or recreational vehicles."

Page 3, delete lines 1 through 4.

Page 3, delete line 8.

(Reference is to SB 106 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 382, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 7.

Page 8, line 29, delete "following taxes" and insert "**county option income tax**".

Page 8, line 34, delete ":" and insert ".".

Page 8, delete lines 35 through 37.

Page 8, line 38, after "Sec. 15." insert "(a)".

Page 8, line 38, after "chapter," insert "**and subject to subsection (b),**".

Page 8, line 40, delete "county adjusted gross income tax,".

Page 8, line 41, delete ", and county economic".

Page 8, line 42, delete "development income taxes".

Page 9, between lines 6 and 7, begin a new paragraph and insert:
"(b) The amount determined under subsection (a)(1) does not include any revenue that is attributable to:

- (1) an increase in the county option income tax rate; or**
- (2) the replacement of the county option income tax with another local option tax that may be used for the same purposes as the county option income tax and has a higher maximum permissible rate;**

that is authorized by a statute enacted after January 1, 2006."

Page 18, line 16, delete "following taxes" and insert **"county option income tax"**.

Page 18, line 19, delete ":" and insert ".".

Page 18, delete lines 20 through 22.

Page 19, line 33, delete "fifty (50)" and insert **"thirty (30)"**.

Page 20, line 13, delete "five (5)" and insert **"three (3)"**.

Page 21, delete lines 7 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 382 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 17, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, after "(1)" insert **"one-half (1/2) of"**.

Page 1, delete lines 10 through 13.

Page 1, line 14, delete "(c)" and insert **"(b)"**.

Page 2, line 2, delete "(d)" and insert **"(c)"**.

(Reference is to SB 17 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 36 through 42.

Delete page 4.

Page 5, line 1, delete "chapter."

Page 5, line 2, delete "IC 36-7-14-46" and insert "IC 36-7-14-45".

Page 5, line 4, delete "46." and insert **"45."**

Page 5, line 5, after "any" insert **"relevant"**.

Page 5, line 9, delete "49" and insert **"48"**.

Page 5, line 9, after "program." insert **"The program must be approved by the municipal legislative body or county executive as specified in section 17 of this chapter."**

Page 5, line 11, after "chapter" insert **", including notice under section 17(c) of this chapter to a taxing unit that is wholly or partly located within an allocation area,"**.

Page 5, line 22, delete "may" and insert **"shall"**.

Page 5, line 24, delete "IC 36-7-14-47" and insert "IC 36-7-14-46".

Page 5, line 26, delete "47. All" and insert **"46. (a) Except as provided in subsection (b), all"**.

Page 6, between lines 1 and 2, begin a new paragraph and insert:
"(b) A commission may not exercise the power of eminent domain in implementing its program for housing."

Page 6, line 2, delete "IC 36-7-14-48" and insert "IC 36-7-14-47".

Page 6, line 4, delete "48." and insert **"47."**

Page 6, line 5, delete "46" and insert **"45"**.

Page 6, line 7, delete "The program meets the purposes of section 45 of this" and insert **"Not more than twenty-five (25) acres of the area included in the allocation area has been annexed during the preceding five (5) years."**

Page 6, delete line 8.

Page 6, line 26, delete "One hundred percent (100%)" and insert **"At least seventy-five percent (75%)"**.

Page 7, line 1, delete "allocation area" and insert **"county or municipality that is included in any allocation area established for a housing program under section 45 of this chapter"**.

Page 7, line 3, delete "IC 36-7-14-49" and insert "IC 36-7-14-48".

Page 7, line 5, delete "49." and insert **"48."**

Page 7, line 7, delete "46" and insert **"45"**.

Page 7, line 9, delete "land" and insert **"property, other than personal property,"**.

Page 7, delete lines 12 through 13.

Page 7, line 16, delete "46" and insert **"45"**.

Page 8, line 5, delete "46" and insert **"45"**.

Page 9, line 6, delete "46" and insert **"45"**.

Page 9, line 19, delete "46" and insert **"45"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 217 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 314, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 11, delete "of the" and insert **"for"**.

Page 4, line 12, delete "conservation districts." and insert **"conservation."**

Page 5, line 15, after "department" insert **"of natural resources"**.

(Reference is to SB 314 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 305, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 1, line 10, after "16," reset in roman "or".

Page 1, line 10, delete ", or 18".

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"(c) A person who violates section 18 of this chapter commits a Class A infraction."

Page 2, line 20, after "doors," insert **"emergency exit"**.

(Reference is to SB 305 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, after "document" insert **"not issued by a government entity"**.

(Reference is to SB 338 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 54, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "An" and insert **"The superintendent may establish a system to permit an"**.

Page 2, line 4, delete "may" and insert **"to"**.

(Reference is to SB 54 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 308, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "shall" and insert **"may"**.

Page 1, line 10, delete "include" and insert **"allow a Medicaid recipient to elect to participate in"**.

Page 1, line 15, delete "The" and insert **"If the office applies for the amendment described in this SECTION, the"**.

Page 2, line 3, delete "shall" and insert **"may"**.

Page 2, line 3, delete "amendment not more" and insert **"amendment."**

Page 2, delete line 4.

(Reference is to SB 308 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 36, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 17, after "commission" insert **"for a term of four (4) years"**.

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"Sec. 9. This chapter expires June 30, 2011."

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "commission" refers to the commission on mental health established by IC 12-21-6.5-2, as added by this act.

(b) The initial members of the board shall serve for the following terms:

(1) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for one (1) year.

(2) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for two (2) years.

(3) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for three (3) years.

(4) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for four (4) years.

(5) One (1) member appointed under IC 12-21-6.5-3(2)(B), as added by this act, for one (1) year.

(6) One (1) member appointed under IC 12-21-6.5-3(2)(B), as added by this act, for three (3) years.

(7) One (1) member appointed under IC 12-21-6.5-3(2)(C), as added by this act, for two (2) years.

(8) One (1) member appointed under IC 12-21-6.5-3(2)(C), as added by this act, for four (4) years.

(9) One (1) member appointed under IC 12-21-6.5-3(2)(D), as added by this act, for one (1) year.

(10) One (1) member appointed under IC 12-21-6.5-3(2)(D), as added by this act, for three (3) years.

(11) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is a representative of a for-profit psychiatric provider, for two (2) years.

(12) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is a physician licensed under IC 25-22.5, for three (3) years.

(13) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is not described in subdivision (11) or (12), for four (4) years.

(c) This SECTION expires December 31, 2011."

Renumber all SECTIONS consecutively.

(Reference is to SB 36 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 166, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 2, line 27, reset in roman "or".
- Page 2, delete lines 29 through 30.
- Page 2, line 32, delete "Except as otherwise".
- Page 2, delete lines 33 through 35.
- Page 3, line 38, after "the" insert "**individual's**".

(Reference is to SB 166 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 4.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 202, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 7, line 19, strike "issued".
- Page 7, line 19, strike "subsection (a) of".
- Page 7, line 35, delete "of" and insert "**relating to the practice of pharmacy performed by**".
- Page 7, line 36, delete "physically".
- Page 7, line 36, after "review" insert "**in person**".
- Page 15, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 18. IC 25-26-14-15.5, AS ADDED BY P.L.212-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) A wholesale drug distributor that is an authorized distributor of a manufacturer is not considered to be an authorized distributor of the manufacturer under this chapter unless:

- (1) the manufacturer files the manufacturer's monthly updated list of authorized distributors with the board;
- (2) the list is available from the manufacturer upon request or on the Internet; and
- (3) the manufacturer notifies the board of any change to the list within ten (10) days after the change.

(b) ~~The board shall make available on the board's Internet web site a manufacturer's list of authorized distributors filed as described in subsection (a).~~"

- Page 30, line 7, delete "from" and insert "**of**".
- Page 30, line 8, delete "body." and insert "**body's decision by the board.**".

Renumber all SECTIONS consecutively.
(Reference is to SB 202 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 284, has had the same

under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 2, delete lines 4 through 5.
- (Reference is to SB 284 as introduced.)
- and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 336, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, after "Sec. 1." insert "**The department and the state department of health shall:**

- (1) develop and implement a pilot program that meets the requirements of this chapter not later than July 1, 2007; and**
- (2) implement this chapter statewide not later than July 1, 2009.**

Sec. 2."

- Page 1, line 9, delete "9" and insert "**10**".
- Page 1, line 10, delete "Sec. 2." and insert "**Sec. 3.**".
- Page 1, line 11, delete "6" and insert "**7**".
- Page 1, line 13, delete "Sec. 3." and insert "**Sec. 4.**".
- Page 1, line 16, delete "Sec. 4." and insert "**Sec. 5.**".
- Page 2, line 6, delete "Sec. 5." and insert "**Sec. 6.**".
- Page 2, line 8, delete "Sec. 6." and insert "**Sec. 7.**".
- Page 2, line 35, delete "Sec. 7." and insert "**Sec. 8.**".
- Page 3, line 7, delete "Sec. 8." and insert "**Sec. 9.**".
- Page 3, line 19, delete "Sec. 9." and insert "**Sec. 10.**".
- Page 4, line 16, delete "Sec. 10." and insert "**Sec. 11.**".
- Page 4, line 23, delete "9" and insert "**10**".
- Page 4, line 34, delete ":" and insert "**in carrying out the student's individualized health plan:**".

- Page 5, line 3, delete "Sec. 11." and insert "**Sec. 12.**".
- Page 5, line 17, delete "Sec. 12." and insert "**Sec. 13.**".

(Reference is to SB 336 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 151, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 7, after "(b)" insert "**This subsection is effective January 1, 2007.**".

Page 5, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 5. IC 12-17.2-4-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) A child care center shall, at no expense to the state, maintain and make available to the division upon request a copy of drug testing results for an

individual who:

- (1) is employed; or
- (2) volunteers;

as a caregiver at the child care center. The drug testing results required under this subsection must be obtained before the individual is employed or allowed to volunteer as a caregiver.

(b) A child care center shall maintain a written policy specifying the following:

(1) That the:

(A) use of:

- (i) tobacco; or
- (ii) a potentially toxic substance in a manner other than the substance's intended purpose; and

(B) use or possession of alcohol or an illegal substance; is prohibited in the child care center when child care is being provided.

(2) That drug testing of individuals who serve as caregivers at the child care center will be:

(A) performed ~~on a random basis~~, based on a protocol established or approved by the division; and

(B) required if an individual is suspected of noncompliance with the requirements specified under subdivision (1).

(c) If:

(1) the drug testing results obtained under subsection (a) or (b) indicate the presence of a prohibited substance described in subsection (b)(1)(A)(ii) or (b)(1)(B); or

(2) an individual refuses to submit to a drug test;

the child care center shall immediately suspend or terminate the individual's employment or volunteer service.

(d) A child care center that suspends an individual described in subsection (c) shall maintain a written policy providing for reinstatement of the individual following rehabilitation and drug testing results that are negative for a prohibited substance described in subsection (b)(1)(A)(ii) or (b)(1)(B).

(e) Drug testing results obtained under this section are confidential and may not be disclosed for any purpose other than the purpose described in this section.

(f) A child care center that does not comply with this section is subject to:

(1) denial of an application for a license; or

(2) suspension or revocation of a license issued;

under this chapter.

SECTION 6. IC 12-17.2-5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) A child care home shall, at no expense to the state, maintain and make available to the division upon request a copy of drug testing results for:

(1) the provider;

(2) an individual who resides with the provider and who is at least eighteen (18) years of age; and

(3) an individual who:

(A) is employed; or

(B) volunteers;

as a caregiver at the child care home.

The drug testing results for an individual described in subdivision (3) must be obtained before the individual is employed or allowed to volunteer as a caregiver.

(b) A child care home shall maintain a written policy specifying the

following:

(1) That the:

(A) use of:

(i) tobacco;

(ii) alcohol; or

(iii) a potentially toxic substance in a manner other than the substance's intended purpose; and

(B) use or possession of an illegal substance;

is prohibited in the child care home when child care is being provided.

(2) That drug testing of individuals who serve as caregivers at the child care home will be:

(A) performed ~~on a random basis~~, based on a protocol established or approved by the division; and

(B) required if an individual is suspected of noncompliance with the requirements specified under subdivision (1).

(c) If:

(1) the drug testing results obtained under subsection (a) or (b) indicate the presence of a prohibited substance described in subsection (b)(1)(A)(ii), (b)(1)(A)(iii), or (b)(1)(B); or

(2) an individual refuses to submit to a drug test;

the child care home shall immediately suspend or terminate the individual's employment or volunteer service.

(d) A child care home that suspends an individual described in subsection (c) shall maintain a written policy providing for reinstatement of the individual following rehabilitation and drug testing results that are negative for a prohibited substance described in subsection (b)(1)(A)(ii), (b)(1)(A)(iii), or (b)(1)(B).

(e) Drug testing results obtained under this section are confidential and may not be disclosed for any purpose other than the purpose described in this section.

(f) A child care home that does not comply with this section is subject to:

(1) denial of an application for a license; or

(2) suspension or revocation of a license issued;

under this chapter."

Page 6, delete lines 1 through 8.

Page 6, line 17, delete "division." and insert **"division, but not more than four (4) inspections per year per child care ministry."**

Page 6, delete lines 18 through 42.

Delete page 7.

Page 8, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to SB 151 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 16 through 17.

Delete pages 2 through 6.

Page 12, delete lines 41 through 42.

Page 13, delete lines 1 through 23.

Page 25, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 32. IC 12-14-22-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 4.5. TANF records that would identify an individual who has applied for or is receiving cash assistance or supportive services under the TANF program:**

(1) **are not public records;**

(2) **are confidential; and**

(3) **are exempt from the disclosure requirements of IC 5-14-3-3."**

Page 26, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 37. IC 12-15-15-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 2.7. (a) This section applies after December 31, 2006.**

(b) If the office requires the collection of a copayment for nonemergency services that are provided to a Medicaid recipient in an emergency room, the copayment:

(1) must be collected by:

(A) the office; or

(B) the managed care organization, if the recipient is enrolled in a managed care organization; and

(2) may not be considered by the office, or a managed care organization if the recipient is enrolled in a managed care organization, in:

(A) determining the reimbursement rates; or

(B) reimbursing a provider;

for the nonemergency services."

Page 26, line 33, delete "ninety (90)" and insert "**sixty (60)**".

Page 26, line 40, delete "ninety (90)" and insert "**sixty (60)**".

Page 27, line 26, reset in roman "If the division does not make a determination of the".

Page 27, reset in roman lines 27 through 30.

Page 28, line 35, reset in roman "If the division does not make its determination".

Page 28, reset in roman lines 36 through 42.

Page 29, reset in roman line 1.

Page 29, line 7, delete "ninety (90)" and insert "**sixty (60)**".

Page 29, line 15, delete "ninety (90)" and insert "**sixty (60)**".

Page 32, line 18, after "waiver" insert "**on the later of the following:**

(1) January 1, 2007.

(2)".

Renumber all SECTIONS consecutively.

(Reference is to SB 270 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 266, has had the same

under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-40-3-2, AS ADDED BY P.L.196-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A physician who is licensed under IC 25-22.5 and who performs a surgical treatment for the treatment of morbid obesity shall:

(1) monitor the patient for five (5) years following the patient's surgery, **unless the physician is unable to locate the patient after making reasonable efforts;** and

(2) report:

(A) to; and

(B) in a manner prescribed by;

the state department any death or serious complication of the patient.

(b) The report required in subsection (a) must include the following information:

(1) The gender of the patient.

(2) The name of the physician who performed the surgery.

(3) The location where the surgery was performed.

(4) Information concerning the death or complication and the circumstances in which the death or complication occurred."

Page 1, line 9, delete "chapter, including the names of" and insert "**chapter."**

Page 1, line 10, delete "the facilities in which the procedures were performed."

Renumber all SECTIONS consecutively.

(Reference is to SB 266 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 4 through 5, begin a new paragraph and insert:

"(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel or sales material are present."

(Reference is to SB 264 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 361, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as

follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-192 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 192. "Unit", for purposes of **IC 9-16-1** and IC 9-21-18, has the meaning set forth in IC 9-21-18-3."

Page 2, line 9, after "(5)", insert **"This subdivision does not apply to a contractor that is a unit."**

Page 2, after line 25, begin a new paragraph and insert:

"(c) Notwithstanding subsection (a), the commission is not required to replace any license branch with a license branch operated by a qualified person under subsection (a).

SECTION 3. IC 9-16-1-4.5, AS AMENDED BY P.L.210-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) The commission ~~may~~ **shall** contract with a qualified person to provide partial services at a qualified person's location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.

(b) A contract for providing motor vehicle registration and renewal services at a location must include the following provisions:

(1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.

(2) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(3) **This subdivision does not apply to a contractor that is a unit.** The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.

(4) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(5) The commission must approve each location and physical facility used by a contractor.

(6) The term of the contract must be for a fixed period."

Renumber all SECTIONS consecutively.

(Reference is to SB 361 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 3.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 10, reset in roman "operator's license or".

Page 1, delete lines 16 through 17.

Page 2, delete lines 1 through 10.

Page 4, delete lines 20 through 28.

Page 4, reset in roman line 32.

Page 4, line 33, reset in roman "(2)".

Page 4, line 38, reset in roman "license or".

Page 5, line 10, reset in roman "operator's license".

Page 5, line 10, after "license" insert **"or"**.

Page 5, line 11, reset in roman "thirty".

Page 5, line 12, reset in roman "(30)".

Page 5, line 12, delete "sixty (60)".

Page 5, line 13, reset in roman "license or license".

Page 5, line 19, reset in roman "operator's license or".

Page 5, line 24, reset in roman "An individual applying for".

Page 5, reset in roman line 25.

Page 5, line 26, before "operational" insert **"written exam"**.

Page 5, line 26, reset in roman "before taking the".

Page 5, line 26, after "exam." insert **"operational skills test."**

Page 5, line 33, reset in roman "licensing or endorsement."

Page 5, line 33, delete "license endorsements."

Page 5, line 34, after "who" insert ":".

Page 5, line 35, reset in roman "(1)".

Page 5, line 36, after "months;" insert **"thirty (30) days;"**.

Page 5, line 36, reset in roman "or".

Page 5, reset in roman lines 37 through 40.

Page 5, line 41, delete "thirty (30) days".

Page 5, line 41, reset in roman "operator's license".

Page 5, line 41, after "license" insert **"or"**.

Page 6, line 3, reset in roman "or a temporary learner's permit".

Page 6, line 3, reset in roman "written".

Page 6, line 4, reset in roman "and".

Page 6, line 11, reset in roman "having custody".

Page 7, delete lines 7 through 42.

Page 8, delete lines 1 through 19.

Page 9, delete lines 11 through 21.

Page 9, line 25, reset in roman "a motorcycle operator's,".

Page 10, delete lines 15 through 42.

Page 11, delete lines 1 through 11.

Page 11, delete lines 27 through 42.

Page 12, delete line 1.

Page 12, delete lines 14 through 17.

Page 14, line 1, after "an" insert ":

(1)".

Page 14, line 2, delete "IC 9-13-2-7)." and insert **"IC 9-13-2-7);**

or

(2) auctioneer under IC 25-6.1-1."

Page 14, line 6, delete "IC 9-24-8-2;".

Page 14, line 6, delete "IC 9-24-12-8;" and insert "IC 9-24-12-8."

Page 14, line 6, delete "IC 9-29-9-10."

Renumber all SECTIONS consecutively.

(Reference is to SB 303 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 145, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 4, line 15, after "if" insert **"in the previous five (5) years"**.

Page 4, line 15, delete "a" and insert **"two (2) or more"**.

Page 4, line 15, delete "conviction:" and insert **"convictions:"**.

Page 4, line 19, after "jurisdiction;" insert **"or"**.

Page 4, delete lines 20 through 26.

Page 4, line 27, delete "(C)" and insert **"(B)"**.

Page 4, line 28, delete "IC 9-24-19," and insert **"IC 9-24-19-2 through IC 9-24-19-4,"**.

Page 4, line 28, after "if" insert **"in the previous five (5) years"**.

Page 4, line 28, delete "a" and insert **"two (2) or more"**.

Page 4, line 29, delete "conviction:" and insert **"convictions:"**.

Page 4, line 33, delete ";" and insert **"."**.

Page 4, delete lines 34 through 41.

(Reference is to SB 145 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 27

House Concurrent Resolution 27, sponsored by Senator Craycraft:

A CONCURRENT RESOLUTION memorializing Representative Tiny Adams.

Whereas, Representative Tiny Adams passed away on December 7, 2005, from complications resulting from a stroke;

Whereas, Representative Adams was a long-time resident of Muncie and a dedicated servant of the people of Indiana;

Whereas, Stroke is the third leading cause of death in the United States;

Whereas, Symptoms of a stroke include sudden numbness or weakness of the face, arm, or leg, especially on one side of the body, confusion, trouble speaking or understanding, trouble seeing in one or both eyes, and sudden severe headache with no known cause;

Whereas, To pay tribute to the life and spirit of Tiny Adams and his dedication to his community and his state, fellow legislators should know their risk of heart disease and stroke by having their level of cholesterol, blood pressure, and glucose tested; and

Whereas, Tiny would encourage fellow legislators to know their risk for heart disease and stroke by getting tested during the Annual Legislative Screening Day, 8:30 a.m. until noon on Tuesday, January 17: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its sympathy and great feeling of loss at the passing of one of our family members. Tiny Adams will be greatly missed. He was a dedicated public servant who worked tirelessly on behalf of his constituents. The members of the Indiana General Assembly encourage all to be aware of the risks of heart disease and stroke and to have their cholesterol, blood pressure, and glucose levels tested regularly.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Tiny Adams.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 342, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 11, line 31, delete "practitioner, the advisory committee, or the INSPECT" and insert **"practitioner is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner seeking or not seeking information from the INSPECT program. The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct."**.

Page 11, delete lines 32 through 39.

(Reference is to SB 342 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "in" insert **"section 7 of"**.

Page 2, line 20, delete ":".

Page 2, delete lines 21 through 22.

Page 2, line 23, delete "(B)".

Page 2, run in lines 20 through 23.

Page 2, line 29, delete "(a)(4)(A)" and insert **"(a)(4)"**.

Page 2, line 29, after "IC 35-42-4" insert **"or a crime of domestic violence (as defined in IC 35-41-1-6.3)"**.

Page 2, line 33, delete "crime" and insert **"victim"**.

Page 3, delete lines 31 through 35.

Page 4, line 6, delete "a court has entered" and insert **"an information or indictment alleging the commission of a crime has been filed by a prosecuting attorney."**

Page 4, delete lines 7 through 8.

Page 5, line 13, after "payment" insert **"from the division"**.

Page 5, line 17, after "division" insert **"under this chapter"**.

Page 7, line 24, after "representation" insert **"that exceeds ten percent (10%) of the value of the award"**.

Page 9, between lines 13 and 14, begin a new paragraph and insert:
"SECTION 19. IC 35-41-1-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.3. "Crime of domestic violence," for purposes of IC 3-7-13-5, IC 5-2-6.1, and IC 33-28-4-8, means an offense or the attempt to commit an offense that:

- (1) has as an element the:
 - (A) use of physical force; or
 - (B) threatened use of a deadly weapon; and
- (2) is committed against a:
 - (A) current or former spouse, parent, or guardian of the defendant;
 - (B) person with whom the defendant shared a child in common;
 - (C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or
 - (D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant."

Renumber all SECTIONS consecutively.

(Reference is to SB 300 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 5.

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 18.

Page 4, line 23, delete "plate cycle under IC 9-18-2-47(a)." and insert **"calendar year."**

Page 4, line 24, delete "may" and insert **"must"**.

Page 4, line 24, delete "only one (1)" and insert **"a"**.

Page 4, line 25, delete "per plate cycle under IC 9-18-2-47(a)." and insert **"by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle."**

Page 4, line 36, delete "plate cycle under IC 9-18-2-47(a)." and insert **"calendar year."**

Page 4, line 37, delete "may" and insert **"must"**.

Page 4, line 37, delete "only one (1)" and insert **"a"**.

Page 4, line 38, delete "per plate cycle under IC 9-18-2-47(a)." and insert **"by July 1 of the year preceding the year for which the**

change has been requested. The group may request only one (1) change in the method of collection in a plate cycle."

Page 4, delete lines 39 through 40.

Renumber all SECTIONS consecutively.

(Reference is to SB 235 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 332, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 17.

Page 18, delete lines 1 through 29.

Page 18, line 42, delete "an" and insert **"a hazardous duty"**.

Page 18, line 42, delete ", other than"

Page 19, delete line 1.

Page 19, line 2, delete "state teachers' retirement fund,".

Page 19, line 8, delete "an" and insert **"a hazardous duty"**.

Page 19, line 9, delete ", other than an employee who is a"

Page 19, delete line 10.

Page 19, line 11, delete "fund,".

Page 19, line 31, after "(9)" insert **"hazardous duty"**.

Page 19, line 31, delete ", other than an"

Page 19, delete line 32.

Page 19, line 33, delete "teachers' retirement fund,".

Page 20, line 11, delete "an" and insert **"a hazardous duty"**.

Page 20, line 11, delete ", other than"

Page 20, delete line 12.

Page 20, line 13, delete "state teachers' retirement fund,".

Page 20, line 33, delete "an" and insert **"a hazardous duty"**.

Page 20, line 33, delete ", other than"

Page 20, delete line 34.

Page 20, line 35, delete "state teachers' retirement fund,".

Page 20, after line 41, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "a hazardous duty worker" means an employee of the department of correction who:

- (1) works within a prison or juvenile facility; or**
- (2) performs parole or emergency response operations and functions.**

(b) Before November 1, 2006, the pension management oversight commission established by IC 2-5-12 shall study retirement and other employee benefits for hazardous duty workers and make recommendations, including any recommended legislation, concerning those benefits. The department of correction and the public employees' retirement fund shall provide assistance as requested by the commission.

(c) The commission shall operate under the policies governing study committees adopted by the legislative council.

(d) This SECTION expires December 31, 2006."

Renumber all SECTIONaS consecutively.

(Reference is to SB 332 as printed January 20, 2006.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 153, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 42, delete ":".
Page 3, line 1, delete "(1)".
Page 3, line 1, delete "; or".
Page 2, run in line 42 through page 3, line 1.
Page 3, delete line 2.
Page 3, run in lines 1 and 3.
Page 22, line 25, after "IC 33-37-7-2(g)," insert **"if a fee is collected under this section by the clerk,"**.
Page 22, line 25, strike "collected under this".
Page 22, line 26, strike "section".
Page 22, line 26, after "IC 33-37-7-12(a)." insert **"If a fee is collected under this section by the central collection unit, the fee shall be deposited in the state general fund."**

(Reference is to SB 153 as printed January 20, 2006.)
and when so amended that said bill do pass.
Committee Vote: Yeas 5, Nays 3.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 340, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 25, delete "only".
Page 3, line 25, delete "if:" and insert **"when"**.
Page 3, line 26, delete "(1)".
Page 3, run in lines 25 through 26.
Page 3, line 29, delete "(A)", begin a new line block indented and insert:
"(1)".

Page 3, line 31, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 3, line 32, delete ";" and insert ".".
Page 3, line 33, delete "(2) the state requests", begin a new paragraph and insert:

"(b) The governor shall request".

Page 3, line 34, delete "; and" and insert **"whenever an employee of the state is terminated as described in subsection (a)."**

Page 3, line 35, delete "(3) the", begin a new paragraph and insert:
"(c) The".

Page 3, line 35, delete "approves" and insert **"must approve"**.

Page 3, line 35, before "request" delete "the" and insert **"a"**.

Page 3, line 35, delete "." and insert **"from the governor under**

subsection (b) unless approval violates subsection (i), federal or state law, or the terms of the fund."

Page 3, line 36, delete "(b)" and insert **"(d)"**.

Page 3, line 41, delete "(c)" and insert **"(e)"**.

Page 4, line 8, delete "(d)" and insert **"(f)"**.

Page 4, line 12, delete "state" and insert **"governor"**.

Page 4, line 20, delete "fully".

Page 4, line 20, delete "subsections (e) and" and insert **"subsection"**.

Page 4, delete lines 21 through 34.

Page 4, line 35, delete "subsection (e)" and insert **"subsection (f)"**.

Page 4, line 36, delete "subsection (d)," and insert **"subsection (f),"**.

Page 4, line 41, after "IC 5-10.2-3-1.2" insert **"and payable from the sources described in subsection (h)"**.

Page 5, between lines 9 and 10, begin a new paragraph and insert:
"(h) The amounts that the state is required to contribute to the fund under subsection (g) must come from the following sources:

(1) If the state receives monetary payments under the lease or contractual arrangement described in subsection (a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the nongovernmental entity directly or indirectly pay the amounts that the state is required to contribute under subsection (g).

(2) If the state does not receive any monetary payments under the lease or contractual arrangement described in subsection (a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in subsection (a).

(3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to contribute to the fund under subsection (g), the board shall request that the general assembly appropriate the amount necessary to fully fund the state's required contribution under subsection (g) in the next biennial state budget."

Page 5, line 10, delete "(h)" and insert **"(i)"**.

(Reference is to SB 340 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 365, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14.

Page 2, line 2, after "2006" insert **", and before July 1, 2012"**.

Page 2, line 9, delete "and".

Page 2, line 11, after "seq." insert **"; and"**.

Page 2, between lines 11 and 12, begin a new line block indented and insert:

"(4) who is not an officer or agent eligible to participate in a plan under section 6 of this chapter."

Page 2, line 14, delete "." and insert ", except that the plan offered under this subsection covers only the:

(1) retired state employee; and

(2) spouse of the retired state employee.

However, the plan offered under this subsection does not cover the spouse of a retired state employee for any period that the spouse is eligible for health care benefits from the spouse's employer or from Medicare."

Page 2, line 15, after "and" insert ", subject to subsection (b),".

Page 2, line 18, after "to" insert **"one hundred fifty percent (150%) of"**.

Page 2, delete lines 23 through 25.

Page 2, line 26, delete "Except as provided in subsection (f), a" and insert "A".

Page 2, line 33, delete "Eligibility" and insert **"Subject to subsection (b), eligibility"**.

Page 2, line 39, delete "Except as provided in subsection (f), when" and insert **"When"**.

Page 3, delete lines 5 through 15.

Page 4, line 21, after "law," insert **"the state may establish a program under which"**.

Page 4, line 21, after "state" insert **"or state employees"**.

Page 4, line 23, delete "employee" and insert **"health care"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 365 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 5, reset in roman "(c) This section expires January 1,".

Page 2, line 5, after "2008." insert **"2009."**

(Reference is to SB 56 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 345, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "16.70% 19.60%" and insert "16.70%".

Page 2, line 4, strike "0.00%" and insert **"6.20%"**.

Page 2, line 6, delete "13.70%" and insert **"10.40%"**.

Page 2, delete lines 18 through 19.

Page 2, line 27, delete "sixty-five" and insert **"one hundred thirty-six"**.

Page 2, line 27, after "million" insert **"five hundred thousand"**.

Page 2, line 27, delete "\$(\$65,000,000)" and insert **"(\$136,500,000)"**.

Page 2, line 30, delete "April" and insert **"May"**.

Page 2, delete lines 33 through 42.

Page 3, delete lines 1 through 7.

Page 3, line 8, delete "(d)" and insert **"(c)"**.

Page 3, line 8, delete "or (c)".

Page 3, line 11, delete "2007," and insert **"2006,"**.

Page 3, line 11, delete "2008," and insert **"2007,"**.

Page 3, line 13, delete "(e)" and insert **"(d)"**.

Page 3, line 13, delete "or (c)".

Page 3, line 15, delete ":".

Page 3, line 16, delete "(1)".

Page 3, run in lines 15 through 16.

Page 3, line 20, delete "; and" and insert ".".

Page 3, delete lines 21 through 42.

Page 4, delete lines 1 through 35.

Page 4, line 37, delete ":".

Page 4, line 38, delete "(1)".

Page 4, run in lines 37 through 38.

Page 5, line 2, delete "; and" and insert ".".

Page 5, delete lines 3 through 4.

Page 5, line 10, delete "twenty" and insert **"forty"**.

Page 5, line 11, delete "\$(\$20,000,000)" and insert **"(\$40,000,000)"**.

Page 5, line 12, after "rehabilitation" insert **"or repair and rehabilitation of dormitories or other student housing"**.

Page 5, delete lines 14 through 22, begin a new line block indented and insert:

"INDIANA UNIVERSITY - TOTAL SYSTEM	\$15,667,060
PURDUE UNIVERSITY - TOTAL SYSTEM	10,795,022
INDIANA STATE UNIVERSITY	2,399,680
UNIVERSITY OF SOUTHERN INDIANA	1,225,670
BALL STATE UNIVERSITY	4,077,062
VINCENNES UNIVERSITY	1,190,030
IVY TECH COMMUNITY COLLEGE	
OF INDIANA	4,645,476
	\$40,000,000"

Page 5, line 30, delete ";" and insert **"after review of the schedule by the budget committee;"**.

Page 5, delete lines 32 through 42.

Page 6, delete lines 1 through 8.

Page 6, line 9, delete "(f)" and insert **"(e)"**.

Page 6, line 9, delete "or (e)".

Page 6, line 12, delete "or (e)".

Page 6, line 14, delete "(g)" and insert **"(f)"**.

Page 6, line 14, delete "(c) or (e)," and insert **"(c),"**.

Page 6, line 20, delete "(h)," and insert **"(g),"**.

Page 6, line 26, delete "(h)" and insert **"(g)"**.

Page 6, line 26, delete "(c) or (e)," and insert **"(c),"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 345 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 143, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "attorney general" and insert "**legislative council**".

Page 1, line 3, after "a" insert "**concise and neutral**".

Page 1, delete lines 6 through 8.

Page 1, line 9, delete "(c)" and insert "**(b)**".

Page 1, line 12, delete "attorney general" and insert "**legislative council**".

Page 1, delete lines 16 through 17.

Page 2, line 1, delete "(C)" and insert "**(B)**".

Page 2, line 2, delete "(D)" and insert "**(C)**".

Page 2, line 3, delete "attorney general's" and insert "**general assembly's**".

Page 2, line 5, delete "attorney general" and insert "**legislative council**".

Page 2, line 7, delete "(d)" and insert "**(c)**".

Page 2, between lines 10 and 11, begin a new paragraph and insert: "**(d) The legislative council has absolute discretion to determine the contents of a summary prepared under this section. A person may not bring a cause of action based on the exercise of this discretion.**".

(Reference is to SB 143 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 83, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-41-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. **(a) Except as provided in subsection (b), "deadly weapon" means the following:**

(1) A loaded or unloaded firearm.

(2) A destructive device, weapon, device, ~~taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1)~~; equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.

(3) An animal (as defined in IC 35-46-3-3) that is:

(A) readily capable of causing serious bodily injury; and

(B) used in the commission or attempted commission of a crime.

(4) A biological disease, virus, or organism that is capable of causing serious bodily injury.

(b) The term does not include:

(1) a taser (as defined in IC 35-47-8-3);

(2) an electronic stun weapon (as defined in IC 35-47-8-1);

(3) a chemical designed to temporarily incapacitate a person; or

(4) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training."

Renumber all SECTIONS consecutively.

(Reference is to SB 83 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 341, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 22 with "[EFFECTIVE JANUARY 1, 2007]".

Replace the effective date in SECTION 43 with "[EFFECTIVE JANUARY 1, 2007]".

Page 7, line 26, after "(i)" insert "**the greater of**".

Page 7, line 26, reset in roman "twenty-five dollars (\$25)".

Page 7, line 26, after "for" insert "**or**".

Page 11, line 18, delete ", return receipt requested,".

Page 12, line 32, delete ", return receipt".

Page 12, line 33, delete "requested,".

Page 16, line 32, after "tract" insert "**or an item**".

Page 17, line 18, after "more" insert "**than**".

Page 17, between lines 19 and 20, begin a new line block indented and insert:

"(1) notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within thirty (30) days of the notice;".

Page 17, line 20, delete "(1)" and insert "**(2) if the person does not pay the amounts that the person owes within thirty (30) days after the notice,**".

Page 17, line 20, after "apply the" insert "**surplus**".

Page 17, line 22, delete "(2)" and insert "**(3)**".

Page 17, line 25, delete "(3)" and insert "**(4)**".

Page 17, between lines 37 and 38, begin a new paragraph and insert:

"(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor."

Page 19, delete lines 37 through 42.

Page 20, delete lines 1 through 23.

Page 25, line 24, delete ", return receipt requested,".

Page 27, line 33, delete "verifying that the".

Page 27, delete lines 34 through 35.

Page 27, line 42, delete "The".

Page 28, delete line 1.

Page 28, line 2, delete "Trial Rule 5.".

Page 31, line 24, delete "," and insert **"in the first year the item of real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive that sold or otherwise conveyed the item of real property."**

Page 31, delete lines 25 through 30.

Page 31, line 32, delete "(a)(2)" and insert **"(a)"**.

Page 31, line 32, after "into" insert **"the county general fund, the redevelopment fund,"**.

Page 31, line 32, after "building fund" insert **", or the housing trust fund"**.

Page 31, line 34, after "IC 36-7-15.1-15.5" insert **"."**.

Page 31, line 39, delete "continue for five (5) years" and insert **"terminate in the second year the item of real property is subject to taxation"**.

Page 34, line 30, delete "do any of the following:".

Page 34, line 31, delete "(1) Impose" and insert **"impose"**.

Page 34, run in lines 30 through 31.

Page 35, line 2, delete "an additional civil penalty" and insert **"one (1) or more additional civil penalties"**.

Page 35, line 3, delete ". The" and insert **"per civil penalty. An"**.

Page 35, line 4, delete ":".

Page 35, delete lines 5 through 8.

Page 35, line 9, delete "(C)".

Page 35, run in lines 4 through 9.

Page 35, line 10, delete "(i)", begin a new line block indented and insert:

"(1)".

Page 35, line 12, delete "(ii)", begin a new line block indented and insert:

"(2)".

Page 35, delete lines 17 through 20.

Page 35, line 40, delete "or fine".

Page 35, line 42, delete "or fine is" and insert **"is"**.

Page 35, line 42, delete "penalty or fine" and insert **"penalty"**.

Page 36, line 37, after "order" delete "," and insert **"under section 5(a)(1) of this chapter,"**

Page 36, line 39, after "interest" insert **"or present possessory interest"**.

Page 36, between lines 40 and 41, begin a new line block indented and insert:

"(2) service of an order under section 5(a)(6), 5(a)(7), or 5(a)(8) of this chapter, in the manner prescribed by section 25 of this chapter, has been made on each person having a known or recorded substantial property interest in the unsafe premises that are the subject of the order;".

Page 36, line 41, strike "(2)" and insert **"(3)"**.

Page 36, line 42, after "having a" insert **"known or recorded"**.

Page 36, line 42, after "interest" insert **", and persons holding a present possessory interest, as required,"**.

Page 37, line 4, strike "(3)" and insert **"(4)"**.

Page 37, line 6, strike "(4)" and insert **"(5)"**.

Page 37, line 24, after "a" insert **"known or recorded"**.

Page 39, line 27, after "a" insert **"known or recorded"**.

Page 44, line 42, after "interest" delete ";" and insert **"in the recorder's office of the county where the unsafe premises is located;"**.

Page 45, line 6, reset in roman "consent to".

Page 45, line 6, after "consent to" insert **"reasonable"**.

Page 45, line 6, reset in roman "action taken under this chapter".

Page 45, line 7, delete "waive" and insert **"for which notice would be required and relinquish a claim to"**.

Page 45, line 8, delete "section." and insert **"chapter."**.

Renumber all SECTIONS consecutively.

(Reference is to SB 341 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. For purposes of (a) The definitions in this section apply throughout this chapter.

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.

(d) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.

(e) "Unit" means the unit of measure, such as a gallon or a liter, by which gasoline or special fuel is sold.

(f) "Metered pump" means a stationary pump which is capable of metering the amount of gasoline or special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

(g) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

(h) "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

(i) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

(j) "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

(k) "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

(i) the total price per unit; minus

(ii) (2) the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the total price per unit.

(l) "Total price per unit" means the price per unit at which gasoline or special fuel is actually sold, including the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the sales price.

(m) "Distributor" means a person who is the first purchaser of

gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

(n) "Prepayment rate" means a rate per gallon of gasoline ~~rounded to the nearest one-tenth of one cent (\$0.001)~~, determined by the department by determining the product of:

- (1) the statewide average retail price per gallon of gasoline excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax; multiplied by
- (2) the state gross retail tax rate; multiplied by
- (3) ninety percent (90%);

under section 14 of this chapter for use in calculating prepayment amounts of gross retail tax under section 9 of this chapter.

(o) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:

- (1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or
- (2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

(p) "Qualified distributor" means a distributor who:

- (1) is a licensed distributor under IC 6-6-1.1; and
- (2) holds an unrevoked permit issued under section 7 of this chapter.

(q) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

(r) "Terminal operator" means a person that:

- (1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or
- (2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

SECTION 2. IC 6-2.5-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Before June 10 and December 10 of each year, the department shall determine and provide to:

- (1) each refiner and terminal operator and each qualified distributor known to the department to be required to collect prepayments of the state gross retail tax under this chapter; and
- (2) any other person that makes a request;

a notice of the prepayment rate to be used during the following six (6) month period. The department shall also have the prepayment rate published in the June and December issues of the Indiana Register.

(b) In determining the prepayment rate under this section, the department shall use the most recent retail price of gasoline available to the department.

(c) **The prepayment rate per gallon of gasoline determined by the department under this section is the amount per gallon of gasoline determined under STEP FOUR of the following formula:**

STEP ONE: Determine the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax.

STEP TWO: Determine the product of the following:

- (A) The STEP ONE amount.

(B) The Indiana gross retail tax rate.

(C) Ninety percent (90%).

STEP THREE: Determine the lesser of:

(A) the STEP TWO result; or

(B) the product of:

- (i) the prepayment rate in effect on the day immediately preceding the day on which the prepayment rate is redetermined under this section; multiplied by

- (ii) one hundred twenty-five percent (125%).

STEP FOUR: Round the STEP THREE result to the nearest one-tenth of one cent (\$0.001)."

Page 1, line 4, after "section" insert "209,".

Page 1, line 4, delete "or".

Page 1, line 4, after "504" insert ", or 606".

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 3. IC 6-6-2.5-72 IS ADDED TO THE CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 72. The administrator may require that all reports required to be filed under section 56.5, 57, or 60 of this chapter must be filed in an electronic format prescribed by the administrator.**"

Page 6, delete lines 28 through 42.

Delete page 7.

Page 8, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to SB 251 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 353, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 17, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) **For purposes of The definitions in this section apply throughout** this chapter:

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.

(d) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.

(e) **"E85" has the meaning set forth in IC 6-6-1.1-103.**

(f) "Unit" means the unit of measure, such as a gallon or a liter, by which gasoline or special fuel is sold.

(g) "Metered pump" means a stationary pump which is capable of metering the amount of gasoline or special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

(h) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

(i) "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

(j) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

(k) "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

(l) "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

- (i) the total price per unit; minus
- (ii) the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the total price per unit.

(m) "Total price per unit" means the price per unit at which gasoline or special fuel is actually sold, including the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the sales price.

(n) "Distributor" means a person who is the first purchaser of gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

(o) "Prepayment rate" means a rate per gallon of gasoline, rounded to the nearest one-tenth of one cent (\$0.001), determined by the department by determining the product of:

- (1) the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax; multiplied by
- (2) the state gross retail tax rate; multiplied by
- (3) ninety percent (90%).

(p) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:

- (1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or
- (2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

(q) "Qualified distributor" means a distributor who:

- (1) is a licensed distributor under IC 6-6-1.1; and
- (2) holds an unrevoked permit issued under section 7 of this chapter.

(r) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

(s) "Terminal operator" means a person that:

- (1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or
- (2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

SECTION 3. IC 6-2.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) Each retail merchant who dispenses gasoline or special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

- (1) The total number of gallons of gasoline sold from a metered pump during the period covered by the report.
- (2) The total amount of money received from the sale of

gasoline described in subdivision (1) during the period covered by the report.

(3) That portion of the amount described in subdivision (2) which represents state and federal taxes imposed under this article, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.

(4) The total number of gallons of special fuel sold from a metered pump during the period covered by the report.

(5) The total amount of money received from the sale of special fuel during the period covered by the report.

(6) That portion of the amount described in subdivision (5) that represents state and federal taxes imposed under this article, IC 6-6-2.5, or Section 4041 of the Internal Revenue Code.

(7) The total number of gallons of E85 sold from a metered pump during the period covered by the report.

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals five and sixty-six hundredths percent (5.66%) of the gross receipts, including state gross retail taxes but excluding Indiana and federal gasoline and special fuel taxes, received by the retail merchant from the sale of the gasoline and special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which he has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in subsection (c), IC 6-2.5-6-10, and IC 6-2.5-6-11.

(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) ~~an~~ **the amount equal to: determined under STEP THREE of the following formula:**

STEP ONE: Determine:

- ~~(1)~~ **(A)** the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus
- ~~(2)~~ **(B)** the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.

STEP TWO: Subject to subsection (d), for reporting periods ending before July 1, 2008, determine the product of:

- (A) ten cents (\$0.10); multiplied by**
- (B) the number of gallons of E85 sold at retail by the retail merchant during the period covered by the retail merchant's report.**

STEP THREE: Add the amounts determined under STEPS ONE and TWO.

For purposes of this section, a prepayment of the gross retail tax is presumed to occur on the date on which it is invoiced.

(d) The total amount of deductions allowed under subsection (c) STEP TWO may not exceed two million dollars (\$2,000,000) for all retail merchants in all reporting periods. A retail merchant is not required to apply for an allocation of deductions under subsection (c) STEP TWO. If the department determines that the sum of:

- (1) the deductions that would otherwise be reported under subsection (c) STEP TWO for a reporting period; plus**
- (2) the total amount of deductions granted under subsection**

(c) STEP TWO in all preceding reporting periods; will exceed two million dollars (\$2,000,000), the department shall publish in the Indiana Register a notice that the deduction program under subsection (c) STEP TWO is terminated after the date specified in the notice and that no additional deductions will be granted for retail transactions occurring after the date specified in the notice."

Delete pages 2 through 3.

Page 4, delete lines 1 through 16.

Page 4, line 21, delete "with a" and insert **"nominally consisting of twenty percent (20%)"**.

Page 4, line 21, delete "content of at least twenty percent" and insert **"and eighty percent (80%) petroleum diesel."**

Page 4, delete line 22.

Page 4, between lines 22 and 23, begin a new paragraph and insert: **"SECTION 4. IC 6-3.1-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1. As used in this chapter, "biodiesel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats that meets American Society for Testing and Materials specification ~~D6751-02~~ D6751-03a Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.**

SECTION 5. IC 6-3.1-27-8, AS AMENDED BY P.L.191-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. (a) Subject to section 9.5 of this chapter, a taxpayer that has been certified by the corporation as eligible for a credit under this section and produces biodiesel at a facility located in Indiana is entitled to a credit against the taxpayer's state tax liability equal to the product of:

(1) one dollar (\$1); multiplied by

(2) the number of gallons of biodiesel:

(A) produced at the Indiana facility during the taxable year; and

(B) used to produce blended biodiesel.

(b) The corporation shall determine the maximum amount of credits that a taxpayer (or, if the person producing the biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) is eligible to receive under this section. Subject to subsection (c), the total amount of credits allowed that the corporation may grant to a taxpayer (or, if the person producing the biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) under this section may not exceed three million dollars (\$3,000,000) for all taxable years.

(c) Notwithstanding subsection (b), the corporation may increase the total amount of credits allowed a taxpayer (or if the person producing biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) may be increased to an amount not to exceed a total of five million dollars (\$5,000,000) for all taxable years with the prior approval of the Indiana economic development corporation.

SECTION 6. IC 6-3.1-27-9, AS AMENDED BY P.L.191-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 9. (a) Subject to section 9.5 of this chapter, a taxpayer that has been certified by the corporation as eligible for a credit under this section and produces blended biodiesel at a facility located in Indiana is

entitled to a credit against the taxpayer's state tax liability equal to the product of:

(1) two cents (\$0.02); multiplied by

(2) the number of gallons of blended biodiesel:

(A) produced at the Indiana facility; and

(B) blended with biodiesel produced at a facility located in Indiana.

(b) The corporation shall determine the maximum amount of credits that a taxpayer (or, if the person producing the blended biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) is eligible to receive under this section. The total amount of credits allowed that the corporation may grant to a taxpayer (or, if the person producing the blended biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) under this section may not exceed three million dollars (\$3,000,000) for all taxable years."

Page 4, line 25, delete "(a)".

Page 4, delete lines 35 through 42.

Delete page 5.

Page 6, delete lines 1 through 30.

Page 6, reset in roman line 42.

Page 7, reset in roman lines 1 through 2.

Page 7, line 3, reset in roman "(d)".

Page 7, line 3, delete "(c)".

Page 7, delete lines 5 through 42.

Delete pages 8 through 10.

Page 11, delete lines 1 through 21.

Page 12, line 17, after "used in" insert **"E85)",**.

Page 12, delete line 18.

Page 12, line 19, delete "specifications of 40 CFR 79.55),".

Page 13, delete lines 25 through 36, begin a new paragraph and insert:

"(s) "E85" means a fuel blend nominally consisting of eighty-five percent (85%) ethanol and fifteen percent (15%) gasoline (as described in subsection (g)(2)) that meets American Society for Testing and Materials standard specification 5798-99 for fuel ethanol for automotive spark-ignition engines (Ed75Ed85).

SECTION 11. IC 6-6-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas, compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product, not including a biodiesel fuel or biodiesel blend, used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas.

SECTION 12. IC 6-6-2.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) As used in this chapter, "biodiesel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats that meets American Society for Testing and Materials specifications D6751-03a Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, as well as other fuels of the same derivation capable of use in the generation

of power for the propulsion of a motor vehicle, airplane, or motorboat.

(b) As used in this chapter, "blended biodiesel" means a blend of biodiesel with petroleum diesel fuel so that the volume percentage of biodiesel in the blend is at least two percent (2%). A biodiesel blend may be described as "Bxx" where "xx" represents the volume percentage of biodiesel fuel. "B2" is the type of biodiesel blend with the least volume percentage of biodiesel fuel, and "B99" is the type of biodiesel fuel with the most volume percentage of biodiesel fuel. The term does not include biodiesel (B100).

SECTION 13. IC 6-6-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "blending" means the mixing of one (1) or more petroleum products, with or without another product, ~~regardless of the original character of the product blended;~~ **excluding biodiesel or blended biodiesel**, if the product obtained by the blending is capable of use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include that blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of a de minimis amount of products such as carburetor detergent, oxidation inhibitor, lubricating oil, and greases.

SECTION 14. IC 6-6-2.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. As used in this chapter, "special fuel" means all combustible gases and liquids that are:

- (1) suitable for the generation of power in an internal combustion engine or motor; or
- (2) used exclusively for heating, industrial, or farm purposes other than for the operation of a motor vehicle.

Special fuel includes biodiesel and blended biodiesel (as defined in IC 6-6-2.5-1.5). However, the term does not include gasoline (as defined in IC 6-6-1.1-103), ethanol produced, stored, or sold for the manufacture of or compounding or blending with gasoline, alternative fuels, kerosene, and jet fuel (if the purchaser of the jet fuel has provided to the seller proof of the purchaser's federal jet fuel registration at or before the time of sale).

SECTION 15. IC 34-30-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 23. Immunity for Misuse of E85 Motor Fuel

Sec. 1. (a) As used in this chapter, "E85" has the meaning set forth in IC 6-6-1.1-103.

(b) As used in this chapter, "flexible fuel vehicle" means any vehicle that is equipped to operate when fueled entirely by E85.

(c) As used in this chapter, "qualified person or entity" means any person or entity that sells, supplies, distributes, manufactures, or refines E85.

Sec. 2. (a) Except as provided in subsection (b), a qualified person or entity is immune from civil liability for personal injury or property damage resulting from a person fueling any vehicle with E85 that is not a flexible fuel vehicle.

(b) This section does not apply:

- (1) to a qualified person or entity that fails to display all E85 warning signs required by federal or state law; or**
- (2) if a person's injury or property damage is a direct result**

of the gross negligence or willful or wanton misconduct of the qualified person or entity."

Renumber all SECTIONS consecutively.

(Reference is to SB 353 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 333, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, line 41, strike "Every two (2) years" and insert **"Following every license renewal period"**.

Page 34, delete lines 33 through 42.

Delete pages 35 through 37.

Page 38, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to SB 333 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) As used in this section, "institute" means the Indiana criminal justice institute established by section 3 of this chapter.

(b) The institute shall adopt:

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;

for the report of methamphetamine abuse by a law enforcement agency under IC 5-2-16.

(c) The guidelines adopted under this section must require a law enforcement agency to report the existence of methamphetamine abuse to the institute on the form or in the specified electronic format adopted by the institute.

(d) The guidelines adopted under this section:

(1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14) that the institute determines to be relevant;

(2) may require the institute to report the information concerning methamphetamine abuse to one (1) or more

additional agencies or organizations;

(3) must require the institute to maintain reports filed under IC 5-2-16 in a manner permitting an accurate assessment of methamphetamine abuse in Indiana; and

(4) must require a law enforcement agency to report any other information that the institute determines to be relevant."

Page 1, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 3. IC 5-2-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Methamphetamine Abuse Reporting

Sec. 1. As used in this chapter, "law enforcement agency" has the meaning set forth in IC 10-11-8-2.

Sec. 2. As used in this chapter, "methamphetamine abuse" means the:

- (1) use;**
- (2) sale;**
- (3) manufacture;**
- (4) transport; or**
- (5) delivery;**

of methamphetamine or of a methamphetamine precursor, if the precursor is being used, sold, manufactured, transported, or delivered to facilitate the manufacture of methamphetamine.

Sec. 3. A law enforcement agency that discovers evidence of methamphetamine abuse shall report the methamphetamine abuse to the criminal justice institute on a form and in the manner prescribed by guidelines adopted by the criminal justice institute under IC 5-2-4-18.

SECTION 4. IC 11-12-3.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "drug dealing offense" means one (1) or more of the following offenses:

- (1) Dealing in cocaine or a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1), unless the person received only minimal consideration as a result of the drug transaction.
- (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the person received only minimal consideration as a result of the drug transaction.**
- (3) Dealing in a schedule I, II, III, IV, or V controlled substance (IC 35-48-4-2 through IC 35-48-4-4), unless the person received only minimal consideration as a result of the drug transaction.
- ~~(3)~~ **(4) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10), unless the person received only minimal consideration as a result of the drug transaction.**

SECTION 5. IC 16-31-3-14, AS AMENDED BY P.L.22-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the ~~state emergency management agency department of homeland security~~ determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder becomes unfit to practice due to:

- (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate issued by the commission to be:

- (A) used by another person; or
- (B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The ~~state emergency management agency department of homeland security~~ may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the ~~state emergency management agency department of homeland security~~ determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder.
- (4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the ~~state emergency management agency~~, **department of homeland security**, the ~~state emergency management agency department of homeland security~~ may suspend the certificate holder's certificate without additional proceedings.

(6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

(A) report regularly to the ~~state emergency management agency department of homeland security~~ upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the ~~state emergency management agency~~, **department of homeland security**;

(C) continue or renew professional education approved by the ~~state emergency management agency department of homeland security~~ until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the ~~state emergency management agency department of homeland security~~ considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The ~~state emergency management agency department of homeland security~~ may withdraw or modify this probation if the ~~state emergency management agency department of homeland security~~ finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the ~~state emergency management agency department of homeland security~~ may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the ~~state emergency management agency department of homeland security~~.

(d) The ~~state emergency management agency department of homeland security~~ may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The ~~state emergency management agency department of homeland security~~ may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a ~~state~~

~~emergency management agency department of homeland security~~ order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The ~~state emergency management agency department of homeland security~~ may deny, suspend, or revoke a certificate issued under this article if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine ~~or~~ a narcotic drug ~~or~~ methamphetamine under IC 35-48-4-6.

(2) **Possession of methamphetamine under IC 35-48-4-6.1.**

(3) Possession of a controlled substance under IC 35-48-4-7(a).

~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.

~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(9)~~ (10).

~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through ~~(11)~~ (12).

(h) A decision of the ~~state emergency management agency department of homeland security~~ under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The ~~state emergency management agency department of homeland security~~ may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the ~~state emergency management agency department of homeland security~~ finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the ~~state emergency management agency department of homeland security~~ must initiate an investigation against the person.

(k) The ~~state emergency management agency department of homeland security~~ shall conduct a factfinding investigation as the

~~state emergency management agency~~ **department of homeland security** considers proper in relation to the complaint.

(l) The ~~state emergency management agency~~ **department of homeland security** may reinstate a certificate that has been suspended under this section if the ~~state emergency management agency~~ **department of homeland security** is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the ~~state emergency management agency~~ **department of homeland security** may impose disciplinary or corrective measures authorized under this chapter.

(m) The ~~state emergency management agency~~ **department of homeland security** may not reinstate a certificate that has been revoked under this chapter.

(n) The ~~state emergency management agency~~ **department of homeland security** must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the ~~state emergency management agency's~~ **department of homeland security's** findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the ~~state emergency management agency~~; **department of homeland security**, and the ~~state emergency management agency~~ **department of homeland security** may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

SECTION 6. IC 16-31-3-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. The ~~state emergency management agency~~ **department of homeland security** may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-1.
- (2) **Dealing in or manufacturing methamphetamine under IC 35-48-4-1.1.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- ~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- ~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- ~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- ~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- ~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(8)~~; (9).

~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(8)~~; (9).

~~(11)~~ (12) A crime of violence (as defined in IC 35-50-1-2(a)).

~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(11)~~; (12).

SECTION 7. IC 20-28-5-8, AS ADDED BY P.L.246-2005, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.
- (12) Dealing in or manufacturing cocaine ~~or a narcotic drug or methamphetamine~~ (IC 35-48-4-1).
- (13) **Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).**
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(14)~~ (15) Dealing in a schedule IV controlled substance

(IC 35-48-4-3).

~~(15)~~ **(16)** Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(16)~~ **(17)** Dealing in a counterfeit substance (IC 35-48-4-5).

~~(17)~~ **(18)** Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

SECTION 8. IC 22-15-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary

action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the department upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the department;
- (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination

makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-6.
- (2) **Possession of methamphetamine under IC 35-48-4-6.1.**
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- ~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- ~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- ~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- ~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- ~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- ~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.
- ~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through ~~(9)~~: **(10)**.
- ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (10).
- ~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through ~~(11)~~: **(12)**.

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Dealing in cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-1.
- (2) **Dealing in methamphetamine under IC 35-48-4-1.1.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- ~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- ~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- ~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- ~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- ~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ **(10)** Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through ~~(8)~~: **(9)**.

~~(10)~~ **(11)** Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (9).

~~(11)~~ **(12)** An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through ~~(10)~~: **(11)**.

~~(12)~~ **(13)** A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.

- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 9. IC 25-1-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine ~~or~~ a narcotic drug ~~or~~ ~~methamphetamine~~ under IC 35-48-4-6.
- (2) **Possession of methamphetamine under IC 35-48-4-6.1.**
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- ~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- ~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- ~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- ~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- ~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- ~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.
- ~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(9)~~; **(10)**.
- ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(9)~~; **(10)**.
- ~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(11)~~; **(12)**.

SECTION 10. IC 25-1-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine ~~or~~ a narcotic drug ~~or~~ ~~methamphetamine~~ under IC 35-48-4-1.
- (2) **Dealing in or manufacturing methamphetamine under IC 35-48-4-1.1.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- ~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- ~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- ~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising,

distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.

~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(8)~~; **(9)**.

~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(8)~~; **(9)**.

~~(11)~~ (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(10)~~; **(11)**.

~~(12)~~ (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 11. IC 31-30-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-42-1-1 (murder);
- (2) IC 35-42-3-2 (kidnapping);
- (3) IC 35-42-4-1 (rape);
- (4) IC 35-42-4-2 (criminal deviate conduct);
- (5) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (6) IC 35-42-5-2 (carjacking);
- (7) IC 35-45-9-3 (criminal gang activity);
- (8) IC 35-45-9-4 (criminal gang intimidation);
- (9) IC 35-47-2-1 (carrying a handgun without a license);
- (10) IC 35-47-10 (children and firearms);
- (11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
- (12) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through (11);

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine ~~or~~ a narcotic drug ~~or~~ ~~methamphetamine~~ (IC 35-48-4-1), **dealing in methamphetamine (IC 35-48-4-1.1)**, dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing in a schedule IV controlled substance (IC 35-48-4-3), if:

- (1) the individual has a prior unrelated conviction under IC 35-48-4-1, **IC 35-48-4-1.1**, IC 35-48-4-2, or IC 35-48-4-3; or
- (2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, **IC 35-48-4-1.1**, IC 35-48-4-2, or IC 35-48-4-3;

and the individual was at least sixteen (16) years of age at the time of the alleged violation.

(c) Once an individual described in subsection (a) ~~or~~ (b) has been charged with any crime listed in subsection ~~(a)(1) through (a)(15)~~ (a) ~~or~~ (b), the court having adult criminal jurisdiction shall retain

jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 12. IC 34-24-1-1, AS AMENDED BY P.L.45-2005, SECTION 1, AS AMENDED BY P.L.160-2005, SECTION 17, AS AMENDED BY P.L.181-2005, SECTION 4, AND AS AMENDED BY P.L.212-2005, SECTION 75, IS CORRECTED AND AMENDED [EFFECTIVE UPON PASSAGE] TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine **or** a narcotic drug **or methamphetamine** (IC 35-48-4-1).

(ii) **Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).**

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(iii)~~ (iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(iv)~~ (v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(v)~~ (vi) Dealing in a counterfeit substance (IC 35-48-4-5).

~~(vi)~~ (vii) Possession of cocaine **or** a narcotic drug **or methamphetamine** (IC 35-48-4-6).

(viii) **Possession of methamphetamine (IC 35-48-4-6.1).**

~~(vii)~~ (ix) Dealing in paraphernalia (IC 35-48-4-8.5).

~~(viii)~~ (x) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-6-6.

(D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass destruction (as defined in IC 35-41-1-29.4) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-41-1-26.5).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine **or** a narcotic drug **or methamphetamine** (IC 35-48-4-1).

(B) **Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).**

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(C)~~ (D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(D)~~ (E) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under ~~IC 35-43-5-4(11)~~ IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-41-1-23) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment used or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

~~(12) Cigarettes that are sold in violation of IC 24-3-5.2; cigarettes that a person attempts to sell in violation of IC 24-3-5.2; and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.2.~~

~~(13)~~ (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

~~(14)~~ (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

~~(15)~~ (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or

indirectly as a result of the offense.

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine **or** a narcotic drug **or** methamphetamine).

(2) **IC 35-48-4-1.1 (dealing in or manufacturing methamphetamine).**

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

~~(3)~~ (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

~~(4)~~ (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

~~(5)~~ (6) IC 35-48-4-6 (possession of cocaine **or** a narcotic drug **or** methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

~~(6)~~ (8) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as a Class C felony."

Page 3, between lines 28 and 29, begin a new paragraph and insert:
"SECTION 14. IC 35-42-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who:

(1) knowingly or intentionally kills another human being;

(2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, or carjacking;

(3) kills another human being while committing or attempting to commit:

(A) dealing in or manufacturing cocaine **or** a narcotic drug **or** methamphetamine (IC 35-48-4-1);

(B) **dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);**

(C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(C)~~ (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

~~(D)~~ (E) dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365); commits murder, a felony.

SECTION 15. IC 35-45-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

"Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

"Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.

(2) A violation of IC 35-45-9.

(3) A violation of IC 35-47.

(4) A violation of IC 35-49-3.

(5) Murder (IC 35-42-1-1).

(6) Battery as a Class C felony (IC 35-42-2-1).

(7) Kidnapping (IC 35-42-3-2).

(8) Child exploitation (IC 35-42-4-4).

(9) Robbery (IC 35-42-5-1).

(10) Carjacking (IC 35-42-5-2).

(11) Arson (IC 35-43-1-1).

(12) Burglary (IC 35-43-2-1).

(13) Theft (IC 35-43-4-2).

(14) Receiving stolen property (IC 35-43-4-2).

(15) Forgery (IC 35-43-5-2).

(16) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).

(17) Bribery (IC 35-44-1-1).

(18) Official misconduct (IC 35-44-1-2).

(19) Conflict of interest (IC 35-44-1-3).

(20) Perjury (IC 35-44-2-1).

(21) Obstruction of justice (IC 35-44-3-4).

(22) Intimidation (IC 35-45-2-1).

(23) Promoting prostitution (IC 35-45-4-4).

(24) Promoting professional gambling (IC 35-45-5-4).

(25) Dealing in or manufacturing cocaine **or** a narcotic drug **or** methamphetamine (IC 35-48-4-1).

(26) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).

(27) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(27)~~ **(28)** Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(28)~~ **(29)** Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(29)~~ **(30)** Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

~~(30)~~ **(31)** Money laundering (IC 35-45-15-5).

~~(31)~~ **(32)** A violation of IC 35-47.5-5.

SECTION 16. IC 35-46-1-8, AS AMENDED BY P.L.2-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a Class C felony:

(1) if:

(A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:

- (i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was less than eighteen (18) years of age; or
- (ii) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and

(B) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; or

(2) if the person committing the offense knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:

(A) IC 35-48-4-1.

(B) **IC 35-48-4-1.1**

(C) IC 35-48-4-2.

~~(D)~~ **(D)** IC 35-48-4-3.

~~(D)~~ **(E)** IC 35-48-4-4.

~~(E)~~ **(F)** IC 35-48-4-4.5.

~~(F)~~ **(G)** IC 35-48-4-4.6.

~~(G)~~ **(H)** IC 35-48-4-5.

SECTION 17. IC 35-47-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery as a:

(A) Class A felony (IC 35-42-2-1(a)(5));

(B) Class B felony (IC 35-42-2-1(a)(4)); or

(C) Class C felony (IC 35-42-2-1(a)(3));

(5) aggravated battery (IC 35-42-2-1.5);

(6) kidnapping (IC 35-42-3-2);

(7) criminal confinement (IC 35-42-3-3);

(8) rape (IC 35-42-4-1);

(9) criminal deviate conduct (IC 35-42-4-2);

(10) child molesting (IC 35-42-4-3);

(11) sexual battery as a Class C felony (IC 35-42-4-8);

(12) robbery (IC 35-42-5-1);

(13) carjacking (IC 35-42-5-2);

(14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));

(15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);

(16) assisting a criminal as a Class C felony (IC 35-44-3-2);

(17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);

(18) escape as a Class B felony or Class C felony (IC 35-44-3-5);

(19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);

(20) criminal gang intimidation (IC 35-45-9-4);

(21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);

(22) incest (IC 35-46-1-3);

(23) dealing in or manufacturing cocaine **or** a narcotic drug **or** methamphetamine (IC 35-48-4-1);

(24) dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);

(25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(25)~~ **(26)** dealing in a schedule IV controlled substance (IC 35-48-4-3); or

~~(26)~~ **(27)** dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

SECTION 18. IC 35-48-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

cocaine **or** a narcotic drug, ~~or methamphetamine~~, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

cocaine **or** a narcotic drug, ~~or methamphetamine~~, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine **or** a narcotic drug, ~~or methamphetamine~~, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

- (1) the amount of the drug involved weighs three (3) grams or more;
- (2) the person:
 - (A) delivered; or
 - (B) financed the delivery of;
 the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or
- (3) the person manufactured, delivered or financed the delivery of the drug:
 - (A) on a school bus; or
 - (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 19. IC 35-48-4-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.1. (a) A person who:**

(1) knowingly or intentionally:

- (A) manufactures;**
- (B) finances the manufacture of;**
- (C) delivers; or**
- (D) finances the delivery of;**

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

- (A) manufacture;**
- (B) finance the manufacture of;**
- (C) deliver; or**
- (D) finance the delivery of;**

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

- (1) the amount of the drug involved weighs three (3) grams or more;
- (2) the person:
 - (A) delivered; or
 - (B) financed the delivery of;
 the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or
- (3) the person manufactured, delivered, or financed the delivery of the drug:
 - (A) on a school bus; or
 - (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center.

SECTION 20. IC 35-48-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) **or** a narcotic drug (pure or adulterated) classified in schedule I or II, ~~or methamphetamine (pure or adulterated)~~ commits possession of cocaine **or** a narcotic drug, ~~or methamphetamine~~, a Class D felony, except as provided in subsection (b).**

(b) The offense is:

(1) a Class C felony if:

- (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or
- (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);

(2) a Class B felony if the person in possession of the cocaine **or** narcotic drug ~~or methamphetamine~~ possesses less than three (3) grams of pure or adulterated cocaine **or** a narcotic drug ~~or methamphetamine~~:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center; and

(3) a Class A felony if the person possesses the cocaine **or** narcotic drug ~~or methamphetamine~~ in an amount (pure or adulterated) weighing at least three (3) grams:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 21. IC 35-48-4-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Class D felony, except as provided in subsection (b).**

(b) The offense is:

(1) a Class C felony if:

- (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or
- (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);

(2) a Class B felony if the person in possession of the methamphetamine possesses less than three (3) grams of pure or adulterated methamphetamine:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or

- (iv) a youth program center; and
- (3) a Class A felony if the person possesses the methamphetamine in an amount (pure or adulterated) weighing at least three (3) grams:
 - (A) on a school bus; or
 - (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center."

Page 4, delete line 32.

Page 6, line 11, strike "methamphetamine,".

Page 6, line 12, strike "schedule II".

Page 6, line 12, after "substance" insert ";".

Page 6, line 12, strike "under IC 35-48-2-6;".

Page 6, line 14, strike "methamphetamine,".

Page 6, line 14, strike "schedule II".

Page 6, line 15, strike "under IC 35-48-2-6".

Page 6, strike line 24.

Page 6, line 24, after "phentermine" insert "**a controlled substance**".

Page 9, between lines 33 and 34, begin a new paragraph and insert: "SECTION 24. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

- (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
- (2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
- (3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.
- (4) The felony committed was:
 - (A) murder (IC 35-42-1-1);
 - (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
 - (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
 - (D) kidnapping (IC 35-42-3-2);
 - (E) confinement (IC 35-42-3-3) with a deadly weapon;
 - (F) rape (IC 35-42-4-1) as a Class A felony;
 - (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;

- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) dealing in cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;**
- (ii) a public park;**
- (iii) a family housing complex; or**
- (iv) a youth program center;**

(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

~~(R)~~ **(R)** an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

~~(R)~~ **(S)** an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

~~(S)~~ **(T)** aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of an offender's (as defined in IC 5-2-12-4) sentence that is suspendible under subsection (b), the court shall place the offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) **or IC 35-48-4-6.1(b)(1)(B)** may not be suspended."

Page 9, line 34, after "2006]" insert "**IC 35-48-4-1.1 and IC 35-48-4-6.1, both as added by this act, and IC 35-48-4-1, IC 35-48-4-6,**".

Page 9, line 34, after "IC 35-48-4-14.5" insert ",".

Page 9, line 35, delete "both" and insert "**all**".

Page 9, after line 36, begin a new paragraph and insert:

"**SECTION 26. An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 193 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LONG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 27 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Senate Bill 230.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Tallian and Rogers be added as coauthors of Senate Bill 322.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 322.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 76.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Kruse be added as cosponsors of Engrossed House Bill 1013.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 206.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 345.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 216.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators M. Young and Rogers be added as coauthors of Senate Bill 360.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Meeks and Simpson be added as cosponsors of House Concurrent Resolution 27.

CRAYCRAFT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 235.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as second author and Senators Delph, Craycraft, and Wyss be added as coauthors of Senate Bill 283.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 212.

BRODEN

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical correction is to be made to Engrossed Senate Bill 321.

Page 19, line 5, delete "by" and insert "**be**".

(Reference is to ESB 321 as reprinted January 25, 2006.)

GARTON

Report adopted.

ENGROSSED SENATE BILLS
ON THIRD READING**Engrossed Senate Bill 161**

Senator Miller called up Engrossed Senate Bill 161 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 51: yeas 45, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 346

Senator Meeks called up Engrossed Senate Bill 346 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 52: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the

Secretary to inform the House of the passage of the bill. House sponsors: Representatives McClain and Tincher.

Engrossed Senate Bill 297

Senator Hershman called up Engrossed Senate Bill 297 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 53: yeas 45, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Kuzman.

Engrossed Senate Bill 169

Senator Miller called up Engrossed Senate Bill 169 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 54: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 247

Senator Wyss called up Engrossed Senate Bill 247 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 55: yeas 46, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel and Bischoff.

Engrossed Senate Bill 256

Senator Landske called up Engrossed Senate Bill 256 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 56: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ayres and Aguilera.

Engrossed Senate Bill 148

Senator Riegsecker called up Engrossed Senate Bill 148 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 57: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Heim, Ulmer, Walorski, and Neese.

Engrossed Senate Bill 191

Senator Wyss called up Engrossed Senate Bill 191 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel and Lawson.

Engrossed Senate Bill 112

Senator Riegsecker called up Engrossed Senate Bill 112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ripley, Klinker, Woodruff, Walorski, T. Brown, and C. Brown.

Engrossed Senate Bill 269

Senator Miller called up Engrossed Senate Bill 269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 60: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Duncan.

Engrossed Senate Bill 379

Senator Ford called up Engrossed Senate Bill 379 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 61: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Heim.

JOINT RESOLUTIONS ON THIRD READING

Engrossed Senate Joint Resolution 2

Senator Lawson called up Engrossed Senate Joint Resolution 2 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 2 of the Constitution of the State of Indiana concerning elections.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 2, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. (a) A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.

(b) A citizen may not be disenfranchised under subsection (a) if the citizen is entitled to vote in a precinct under subsection (c), **subsection (d)**, or federal law.

(c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

(d) The General Assembly may provide that a citizen who:

(1) is the child of an individual who is a registered voter of Indiana; and

(2) currently resides outside the United States;

may vote in a precinct if the citizen meets all of the qualifications set forth in subsection (a) other than residence in a precinct in Indiana.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass?

Roll Call 62: yeas 47, nays 0. The resolution was declared passed.

The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Richardson and Thomas.

SENATE BILLS ON SECOND READING

Senate Bill 77

Senator Heinold called up Senate Bill 77 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 92

Senator Paul called up Senate Bill 92 for second reading. The bill was reread a second time by title.

SENATE MOTION (Amendment 92-1)

Madam President: I move that Senate Bill 92 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new line blocked left and insert: **"The president pro tempore of the senate shall designate one member to serve as chairperson of the commission."**

Page 2, line 6, delete "close or" and insert **"close,"**.

Page 2, line 6, after "relocate" insert **", or reduce the operating hours of"**.

(Reference is to ESB 92 as printed January 20, 2006.)

PAUL

Motion prevailed. The bill was ordered engrossed.

Senate Bill 94

Senator Meeks called up Senate Bill 94 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 139

Senator Lawson called up Senate Bill 139 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 139-3)

Madam President: I move that Senate Bill 139 be amended to read as follows:

Page 2, line 31, after "applicant" insert **",."**

Page 2, line 31, before "by an" delete "or".

Page 2, line 31, after "employee" insert **"of the applicant,"**.

Page 2, line 32, before "volunteer" insert **"by a"**.

Page 2, line 32, delete "applicant." and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant."**

Page 2, line 33, strike "or of".

Page 2, line 33, after "employee" insert **"of the applicant,"**.

Page 2, line 34, delete "applicant," and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant,"**.

Page 3, line 19, after "licensee" insert **",."**

Page 3, line 19, before "by" delete "or".

Page 3, line 19, after "employee" insert **"of the licensee,"**.

Page 3, line 19, before "volunteer" insert **"by a"**.

Page 3, line 19, delete "licensee." and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee."**

Page 3, line 20, strike "or of".

Page 3, line 20, after "employee" insert **"of the licensee,"**.

Page 3, line 21, delete "licensee," and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**.

Page 4, line 18, after "applicant" insert **",."**

Page 4, line 18, before "by an" delete "or".

Page 4, line 18, after "employee" insert **"of the applicant,"**.

Page 4, line 19, before "volunteer" insert **"by a"**.

Page 4, line 19, delete "applicant." and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant."**

Page 4, line 20, before "an employee" strike "of".

Page 4, line 20, strike "or" and insert **"of the applicant,"**.

Page 4, line 21, delete "applicant," and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant,"**.

Page 4, line 21, after "or" strike "of".

Page 5, line 11, after "licensee" insert **",."**

Page 5, line 11, delete "or by".

Page 5, line 11, after "employee" insert **"of the licensee,"**.

Page 5, line 11, before "volunteer" insert **"a"**.

Page 5, line 11, delete "licensee." and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee."**

Page 5, line 12, before "an employee" strike "of".

Page 5, line 12, after "employee" strike "or" and insert **"of the licensee,"**.

Page 5, line 13, delete "licensee," and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**.

Page 5, line 13, after "or" strike "of".

Page 14, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 28. IC 31-9-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. (a) "Custodian", for purposes of the juvenile law, means a person with whom a child resides.

(b) "Custodian", for purposes of ~~IC 31-34-1-1 through IC 31-34-1-9~~, **IC 31-34-1**, includes any person responsible for the child's welfare who is employed by a public or private residential school or foster care facility: who is:

(1) a license applicant or licensee of:

(A) a foster home or residential child care facility that is required to be licensed or is licensed under IC 12-17.4;

(B) a child care center that is required to be licensed or is licensed under IC 12-17.2-4; or

(C) a child care home that is required to be licensed or is licensed under IC 12-17.2-5; or

(2) a person who is responsible for care, supervision, or welfare of children while providing services as an employee or volunteer at:

(A) a home, center, or facility described in subdivision (1); or

(B) a school, as defined in IC 31-9-2-113.5.

SECTION 29. IC 31-9-2-113.5, AS AMENDED BY P.L.1-2005, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 113.5. "School", for purposes of **section 31 of this chapter and IC 31-39-2-13.8**, means a:

(1) public school (including a charter school as defined in IC 20-24-1-4); or

(2) nonpublic school (as defined in IC 20-18-2-12);

that must comply with the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) to be eligible to receive designated federal education funding."

Renumber all SECTIONS consecutively.

(Reference is to SB 139 as printed January 20, 2006.)

LAWSON

Motion prevailed.

SENATE MOTION

(Amendment 139-2)

Madam President: I move that Senate Bill 139 be amended to read as follows:

Page 19, line 15, delete "thirty (30)" and insert in bold "**forty-five (45)**".

Page 19, line 36, delete "forty-five" and insert in bold "**thirty**".

Page 19, line 37, delete "(45)" and insert in bold "**(30)**".

(Reference is to SB 139 as printed January 20, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 157

Senator Lewis called up Senate Bill 157 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 253

Senator Weatherwax called up Senate Bill 253 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 354

Senator Weatherwax called up Senate Bill 354 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 72

Senator Long called up Engrossed Senate Bill 72 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 63: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Borror, Stevenson, Lutz, and Moses.

Engrossed Senate Bill 75

Senator Long called up Engrossed Senate Bill 75 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 64: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Borror and Reske.

Engrossed Senate Bill 117

Senator Gard called up Engrossed Senate Bill 117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative T. Brown.

Engrossed Senate Bill 205

Senator Drozda called up Engrossed Senate Bill 205 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch and Heim.

Engrossed Senate Bill 285

Senator Wyss called up Engrossed Senate Bill 285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel and Crouch.

Engrossed Senate Bill 321

Senator Kruse called up Engrossed Senate Bill 321 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 31, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Torr.

Engrossed Senate Bill 323

Senator Lubbers called up Engrossed Senate Bill 323 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 31, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Noe.

Engrossed Senate Bill 370

Senator Kruse called up Engrossed Senate Bill 370 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Senator Kruse withdrew the call.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 323.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Engrossed Senate Bill 92.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as second author of Engrossed Senate Bill 72.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas and Howard be added as coauthors of Engrossed Senate Bill 75.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as second author of Engrossed Senate Bill 169.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 30, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 4:46 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate